

**H.R. 3286, PROTECTING STATES
OPENING NATIONAL PARKS ACT;
H.R. 3294, STATE-RUN FEDERAL
LANDS ACT; H.R. 3311, PROVIDE
ACCESS AND RETAIN CONTINUITY
(PARC) ACT; H.R. 3492, RIVER PAD-
DLING PROTECTION ACT; AND
H.R. 915, THE PEACE CORPS COM-
MEMORATION ACT**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS
AND ENVIRONMENTAL REGULATION

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

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LEGISLATIVE HEARING ON: H.R. 3286 (DAINES), TO DIRECT THE SECRETARY OF THE TREASURY TO REIMBURSE STATES THAT USE STATE FUNDS TO OPERATE NATIONAL PARKS DURING THE FEDERAL GOVERNMENT SHUTDOWN, AND FOR OTHER PURPOSES, "PROTECTING STATES OPENING NATIONAL PARKS ACT"; H.R. 3294 (YOUNG), TO ESTABLISH A STREAMLINED PROCESS THROUGH WHICH A STATE MAY CLAIM AUTHORITY OVER AND RESPONSIBILITY FOR MANAGEMENT OF FEDERAL LANDS LOCATED IN THE STATE WITHOUT CLAIMING OWNERSHIP OF THE LAND, AND FOR OTHER PURPOSES, "STATE-RUN FEDERAL LANDS ACT"; H.R. 3311 (STEWART), TO DIRECT THE SECRETARY OF THE INTERIOR TO ENTER INTO AGREEMENTS WITH STATES TO ALLOW CONTINUED OPERATION OF FACILITIES AND PROGRAMS THAT HAVE BEEN DETERMINED TO HAVE A DIRECT ECONOMIC IMPACT ON TOURISM, MINING, TIMBER, OR GENERAL TRANSPORTATION IN THE STATE AND WHICH WOULD OTHERWISE CEASE OPERATING IN WHOLE OR IN PART DURING A FEDERAL GOVERNMENT SHUTDOWN THAT IS THE RESULT OF A LAPSE IN APPROPRIATIONS, AND FOR OTHER PURPOSES, "PROVIDING ACCESS AND RETAIN CONTINUITY (PARC) ACT"; H.R. 3492 (LUMMIS), TO PROVIDE FOR THE USE OF HAND-PROPELLED VESSELS IN YELLOWSTONE NATIONAL PARK, GRAND TETON NATIONAL PARK, AND THE NATIONAL ELK REFUGE, AND FOR OTHER PURPOSES; AND H.R. 915 (KENNEDY), TO AUTHORIZE THE PEACE CORPS COMMEMORATIVE FOUNDATION TO ESTABLISH A COMMEMORATIVE WORK IN THE DISTRICT OF COLUMBIA AND ITS ENVIRONS, AND FOR OTHER PURPOSES

**Thursday, November 21, 2013
U.S. House of Representatives
Subcommittee on Public Lands and Environmental Regulation
Committee on Natural Resources
Washington, DC**

The subcommittee met, pursuant to notice, at 10:06 a.m., in room 1324, Longworth House Office Building, Hon. Rob Bishop [Chairman of the Subcommittee] presiding.

Present: Representatives Bishop, Young, Lamborn, Lummis, Labrador, Daines, LaMalfa, Smith, Grijalva, Tsongas, Shea-Porter, Garcia, and DeFazio.

Also Present: Representatives Kennedy, Farr, Petri and Stewart.

Mr. BISHOP. All right. Noting the presence of a quorum, we will call this subcommittee hearing together and assume I just banged

the gavel because I have no idea where it is. Oh, there it is. Who cares? Bang.

The Subcommittee on Public Lands and Environmental Regulation is meeting today to hear testimony on five bills. Under the rules, opening statements are limited to the Chairman and Ranking Member. However, I ask unanimous consent to include any other member's opening statement in the hearing record if submitted to the Clerk by the close of business today.

And hearing no objections, that will be ordered.

Today's bills will include H.R. 3286 by Mr. Daines, to protect States and Open National Parks Act; H.R. 3294 by Mr. Young, the State-Run Federal Lands Act; H.R. 3311 by Mr. Stewart, the PARC Act provides for continuous operation of parks by States during a Federal shutdown; H.R. 915 by Mr. Kennedy, to authorize the Peace Corps Commemorative Foundation to establish a commemorative work; and H.R. 3492 by Mrs. Lummis, the River Paddling Protection Act.

**STATEMENT OF THE HON. ROB BISHOP, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF UTAH**

Mr. BISHOP. If I may begin, before we call the first panel, in 1989, the Berlin Wall fell down, and the entire world realized that large, centralized, bureaucratic entities do not work. They do not move us forward.

Everyone has understood that. The Entrepreneurial work has learned that as large companies were succeeded by lean and aggressive companies to provide product. Eastern Europe understood it. They all recognized the free market principles were the best. Everyone understood that, except for Washington, DC, where most of our agencies intended to become more centralized, more bureaucratic in an effort to try and enlarge their particular role.

Throughout this year we have had hearings which have illustrated that leaner, smaller entities are much more effective. We had a hearing that illustrated how the State of Idaho and Native American tribes in the Northwest were far more effective in their management of forestlands than the Federal Government was.

We had testimony in here on how the National Park Service has harmed individuals in Washington by prohibiting church groups because they are too loud; in Nevada in prohibiting individuals for searching for the remains of their dead relatives; and we have had a hearing of individuals from New Mexico to Montana and all points in between of how they had been bullied, and that was the proper word, and harassed by the Interior Department.

In the 1990s, without legislation, the Interior Department was able during that shutdown to open parks, accept money from States, and then return those funds. We are going to ask why that should not be the case again today with certain bills, and why if the Park Service is now claiming that they have already spent \$1.5 million of those donations from the States and they now have their CR funding in place, which should supplant that original \$1.5 million, what are they doing with the extra cash laying around here?

If obviously this Park Service and the Interior Department find it difficult to solve these kinds of initiatives on their own, Congress

needs to step in with a template for future situations that may or may not develop.

We will also hear bills that simply tell us once again this large, centralized, bureaucratic entity is not listening to people; that the experts in these agencies have become large and lethargic and simply unaccountable. They have ignored what people want to do on public land and have forgotten the idea that a national park that is not visited is of no value whatsoever to anyone. Tradition has trumped responsibility.

We will have also shown in the shutdown that States are capable and competent to continue on. In my State, the Sand Flats recreation area was an area the Bureau of Land Management could not and would not regulate until a near riot broke out. Since that time, with the statutory law already on the books, they have contracted with the county so that that recreation area is now run and managed in an effective and efficient way and at a profit.

Coral Pink Sand Dunes or something close to that in southern Utah is Federal land managed by the State and has been recognized by national publications as one of the most efficient and effective parks in the Nation. As one of our witnesses will testify, many Eastern States have a significant portion of their State already owned, managed, and controlled by the State itself. They do so efficiently, and at the same time want to deny Western States for that same kind of opportunity.

This kind of Soviet era mindset has become unfortunately the norm. About a decade ago there was another publication that I think was entitled "Outside its Time," and the question has to be what do we do with agencies who are simply outside their time. There have to be some new concepts we are talking about.

And the last bill we will talk about is specifically allowing those States, those lower entities, those leaner management associations to take over and provide those types of services. We are talking about new ideas going forward to us, which should be based on the lessons we should have learned in the past. The world has learned those lessons. The free market system has learned those lessons. Government in Washington has simply not learned the lessons. In fact, some of the testimony that we will hear today is outstanding in its degree of arrogance.

We also have a bill, and we will start with that one first, that deals with the commemorative effort to recognize the Peace Corps, which will not, as I understand, be on the Mall, but will be using the leftover mesh tapestries from the Eisenhower Memorial to try and build it by itself.

[Laughter.]

[The prepared statement of Mr. Bishop follows:]

PREPARED STATEMENT OF THE HON. ROB BISHOP, CHAIRMAN, SUBCOMMITTEE ON
PUBLIC LANDS AND ENVIRONMENTAL REGULATION

Today we will consider several pieces of legislation that will empower the States against the whims of Federal land managers. During the lapse of appropriations in October, several States offered to pick up the tab to keep popular national parks open. Understandably, States were concerned that the closures would have damaging impacts to local businesses and would prevent the American public from enjoying their parks—in many cases, unnecessarily. However, almost as soon as these offers were made, the Obama administration rejected them.

When States inquired why their Federal partners did not want the funds to open National Parks, the answer was about as clear as healthcare.gov. The responses varied from “we can’t,” to “it wouldn’t be appropriate,” to “it’s too complicated.”

It didn’t seem to matter that the Park Service accepted their donations in the previous shutdown and even took third party funds just this year to keep a visitor center open. So what was different about this shutdown? I don’t understand the hostility toward cooperation with the States.

After 10 days, the administration finally relented and accepted donations from the States, but with the strict understanding that the Park Service would not commit to making reimbursements and the States had to fork up *not* just enough money to keep the gates open, but a much higher rate that would fund a park completely.

I’d like to hear from the Park Service why they are sitting on the States’ money even though the continuing resolution funded them from the start of the shutdown. Do they think the States’ money is some sort of bonus? This is the sort of accountability, or lack of accountability that makes Mr. Young’s legislation timely. It is beyond time for us to explore ways in which State governments can take a more active and invested role in improving the management of the Federal lands within its borders.

Mr. BISHOP. With that, I wish to yield to the Ranking Member because (a) he is one of the most thoughtful and nicest guys we have on this panel and (b) it is the rule. If it was not that, otherwise you would be—

[Laughter.]

Mr. BISHOP. With that I recognize Mr. Grijalva.

STATEMENT OF THE HON. RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. GRIJALVA. Thank you, Mr. Chairman.

That is kind of cold on the tapestry thing though, you know.

[Laughter.]

Mr. GRIJALVA. I do want to thank you and the full Committee Chair and the Ranking Member of the full Committee for considering H.R. 915 today for a hearing and hopefully moving it rapidly to committee action. It has been a 5-year process and a wait, and we do it at a very appropriate time today, and I think it is a fitting tribute in many ways to the fine work the Peace Corps has done and to a legacy of public service and I think we need to acknowledge, and so thank you for that, Mr. Chairman.

You know, the National Geographic channel has a show called “Doomsday Preppers,” and it chronicles people who go to extreme preparation for cataclysmic events. Obviously it is extreme behavior that is always worthy of a reality show.

Today I feel like we are bringing “Doomsday Preppers” to Capitol Hill. The bills before us today are variations of extreme behavior regarding the past and now the projected future government shutdowns and our beloved National Park system. I welcome the discussion about the value of public lands.

I am glad to see the Majority acknowledge that our national park and wildlife areas are economic engines in our rural communities and to their economies, but like so many of the Majority’s bills considered by this committee, the legislation we will discuss today takes those shared values and twists them into divisive partisan extremes.

First I want to address the legislation H.R. 3286. During this irresponsible Majority-led government shutdown, my colleagues on

the other side must have had an epiphany. Guess what. National parks are part of the Federal Government, and when you shut down the government, you also shut down the parks.

And guess what. Americans love their parks, and they gave those responsible for the shutdown more than an earful. When Secretary Jewell allowed States to open national parks, she made it pretty clear—there was no guarantee that these States would ever get reimbursed. Governors of States who signed these donation agreements knew they would need to come to a cash-strapped Congress and argue that the Federal Government should cut their State a check.

What troubled me about the agreements and what troubles me today is that the States want to have their cake and eat it too. Both the Utah legislature and the Arizona legislature passed legislation requiring the Federal Government to turn over Federal lands to the State. Governor Herbert signed the legislation. Governor Brewer did not, citing correctly concerns with constitutional issues.

From what I can piece together, the State of Utah has already dedicated at least \$2 million to implementing that legislation, H.R. 148, which is more than they are asking for today.

If that is not enough, we have another bill that prepares for perhaps another future Majority-led shutdown. H.R. 3311 would automatically allow States to take over national parks if there is another shutdown.

Then, the icing on the cake is H.R. 3294. This legislation just turns over control of the lands. It not only turns over control of the lands, but treats Uncle Sam like a sucker. First, the bill would allow State law to overrule Federal statute.

Second, it does not appear that the State assumes any liability for Federal lands. The States are not required to waive their sovereign immunity. So the States would take over control of our Federal lands, but the Federal Government would be on the financial and legal hook if something were to go wrong.

Finally, the Federal Government has limited recourse to take back control of the lands if the States are poorly managing their assets. On the other hand, States are given authority to end any agreement if they no longer find it beneficial.

From what I can tell today this hearing is about creating cover for Members who finally felt the sting from voters upset that their views were not being represented in Congress. A recent Hart Research Poll found that the American public had very negative feelings about the government shutdown.

More relevant to today's hearing is that over half of the electorate believed that closing national parks and public lands during the shutdown was a big, major problem. As for members of this committee who advocate for turning over Federal lands to the State, the polls showed overwhelmingly that the forced shutdown of national parks served to remind people of the importance of their national parks and public lands.

We should not be funneling Federal money to States that are actively trying to take over Federal lands. We should not be coming up with doomsday preparations for the next shutdown. And we certainly should not be turning over public lands, economic assets that belong to all Americans, to individual States, especially if the Fed-

eral Government will still hold all of the liability. This is not right. We should view this hearing like people view the Doomsday Preppers, for its entertainment value only.

And with that I yield back.

Mr. BISHOP. Thank you.

Now, we are going to deal with each of these bills, bill by bill. So we will start first with the Peace Corps commemorative work.

We welcome Mr. Kennedy. We also welcome Mr. Petri. I am assuming you want to talk to this particular piece of legislation.

I would also ask the committee for unanimous consent that anyone who is a presenter of a bill who wishes to stay for the rest of the hearing would be allowed to join us on the dais.

Hearing no objection, we will do that. So you will have an open invitation to stay with us if you would like to. No one has yet taken me up on that offer, for which I am deeply hurt.

I am also aware that even though we try and organize things so that we have the morning for committee work, there will be a vote on the Floor that will come roughly within 40, 50 minutes. So as much as I hate to have people just sit here and wait till votes are done, that may, indeed, be the case.

With that I am going to call up the first panel to talk about that particular bill. I understand Ms. Tsongas wishes to introduce the sponsor of the bill, and I will recognize you for that.

Ms. TSONGAS. Yes. It is my honor to be here to introduce my newest colleague from Massachusetts, although we are soon to be joined by yet another who has gained a seat held by our long-standing Ranking Member here, Mr. Markey. But it has been my honor to serve with Representative Kennedy, and I very much appreciate the legislation that he is introducing today and I am strongly supportive of it.

To give you a sense of history, my husband Paul was in the first group that went to Ethiopia after the Peace Corps was formed. My daughter Ashley went to Madagascar in early 2000, and their experiences changed their lives.

So, yes, we have had over 200,000 Peace Corps volunteers make their way into the developing nations and have added great value, and I think increased our moral standing as a result of it, but it is no denying that it also changes the lives of those who serve, who come back to seek to find many ways to contribute to our country.

And I know that is the case for Representative Kennedy, and I introduce you.

Mr. BISHOP. Mr. Kennedy, you are recognized for 5 minutes.

STATEMENT OF THE HON. JOSEPH P. KENNEDY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. KENNEDY. Thank you very much, Mr. Chairman. I want to thank, Congressman Tsongas, for the extraordinary introduction.

I want to thank the Ranking Member and the Ranking Member of the full Committee as well and my colleagues for making the time for me this morning and for this bill this morning. I cannot promise that it is going to be as entertaining as maybe you had hoped or perhaps certainly not speaking of the doomsday scenarios

that we might be envisioning, but nevertheless, an important piece of legislation in my mind.

I also want to thank Congressman Petri for his extraordinary history of service, a former fellow Peace Corps volunteer, and his dedication to public service throughout his career.

I think we might be joined by some other Peace Corps brethren at some point over the course of the hearing. Congressman Farr, Congressman Honda and Congressman Garamendi, I know also expressed their interest and they might try to stop by.

H.R. 915, otherwise known as the Peace Corps Commemoration Act, is a bipartisan piece of legislation that seeks to authorize to erect a small commemorative here in our Nation's Capitol in honor of the Peace Corps. The modest memorial will be funded completely through private contributions and require no taxpayer funds.

I appear before this committee today as 1 of over 210,000 return Peace Corps volunteers who have served collectively in 139 different countries across the globe for the past 52 years. I think like many of my fellow volunteers trying to find the right words to sum up over 27 months of service is always difficult, and I will spare you the long stories, but I hoped to share a brief one with all of you that, I think, illustrated my time and the effect it had on me.

About a year into my service in the Dominican Republic, I was on a bus, kind of a larger minivan called a "guagua" on the way back to the capital, Santa Domingo, to have some meetings at our Peace Corps office. The minivan was meant for about 8 or 10 and there were probably about 18 people in it. I was in the second to last row with a backpack on my lap, and I got a tap on my shoulder. The gentleman behind me, an older gentleman, asked, [speaking in foreign language], inquiring if I was a Peace Corps volunteer. Apparently I did not blend in quite as well as I had hoped.

I said yes, and he went on to tell me that decades before when he was growing up, he lived in a small village on the outskirts of Santa Domingo in the mountains that did not have access to running water until a Peace Corps volunteer arrived, and he with the community helped construct a set of pipes to bring drinkable water to the village to save them hours of treks each way every day.

Without ever asking my name or offering his, he then thanked me not for my work, but for the work that other volunteer had done all of those decades before whom as a little boy he never got the opportunity to say thank you to.

A couple moments later, he got off the bus and I never saw him again. That to me is what I believe Peace Corps is all about, not about the accomplishments of any one person or volunteer, but about the way the combined contributions of service comes together to tell a story of a country that is at its very best version of itself, a country that might be an example and a beacon for the rest of the world.

Tomorrow this country remembers a young American President that called a Nation to serve, a constant dreamer with a distinct Boston accent who put his faith in a country that at the time was struggling to keep faith in itself. In spreading a missive of service and citizenship, President John F. Kennedy moved a generation of civil soldiers to get off the sidelines and put their talent to work

for this Nation. Today you can find those men and women in the Peace Corps, in our Armed Forces, in a soup kitchen in Chicago, a community health center in Georgia, and a legal aid clinic in California. You can find them right here in the halls of Congress, a generation inspired to change their country by a President who knew that they could.

But as the years pass, the distance will grow between the current day and those that bore witness to that time in our history. So we will have to work harder to remember not just President Kennedy's individual accomplishments as we do any leader of our great Nation, but the faith and the fearlessness that he brought to a people who were in need of someone to cheer them on, and that unshakable belief that he held that if we could export the fruits of our labor and the fruits of our land, then we could surely export the most fundamental and precious commodity of all, our values.

That is the conviction at the very heart of the Peace Corps and the legacy that this legislation hopes to help commemorate in its own simple and modest way, not the achievements of one man, but the potential of a people who are challenged to change the world.

Thank you, Mr. Chairman, and I yield back.

Mr. BISHOP. Thank you.

Mr. Petri, you are recognized for 5 minutes.

STATEMENT OF THE HON. THOMAS E. PETRI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. PETRI. Well, I will not take the full 5 minutes, but I am here to demonstrate broad support for my colleague, Joe Kennedy's bill, H.R. 915.

I was in the Peace Corps. I actually would have been in Paul Tsongas' group but decided to go to law school, and then was in Somalia. When I was there, we were taught that we were representing the American people, not necessarily the American Government, and I think a memorial to mark some 50 years of service by our fellow Americans that is paid by voluntary contributions is an appropriate indication of the public support for the volunteers who are representing them in many different societies all around the world.

It has always been my hope over time, as you had indicated, that rather than it being sort of a bureaucratic thing that over time it could evolve to being supported by, and it is gradually happening, by voluntary contributions and support rather than necessarily by being a government-centered institution. We are nowhere near there yet, but institutions have been developing that support individual volunteers as they do their efforts all around the world, and I think my other colleagues will testify to the impact the Peace Corps had on them as individuals and actually their ability to communicate our role in the world as a result of that experience.

So I strongly urge that this be dealt with in the spirit in which it is offered, which is as a legitimate memorial and commemorative effort rather than any sort of partisan football and urge that the committee give it favorable consideration.

Mr. BISHOP. Thank you, Mr. Petri.

I notice that Mr. Farr has joined us here. Mr. Farr, you came right on time. You are recognized for 5 minutes on this bill.

**STATEMENT OF THE HON. SAM FARR, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. FARR. Thank you very much, Mr. Chairman and members.

I am very excited about this bill, and I think it is an appropriate historical moment to be considering it when you think that tomorrow is the 50th anniversary of John F. Kennedy's assassination.

I will just tell you I was 22 years old. I was in graduate school studying Spanish because I already knew I wanted to be in the Peace Corps. I think when Kennedy made that call of, Ask not what your country can do for you, but what you can do for your country, it really stimulated young people all across America to thinking about service.

I initially thought about military service. I wanted to fly planes but my eyesight would not allow me to do that. I think the flying of the planes was also related to Kennedy's call to, you know, compete with the Russians in space and that we were going to go into space.

I thought about it later, and it was really interesting. I think the Peace Corps was sort of go where no person has never gone before because what we ended up doing is sending these Americans to all the places of the world where nobody had ever seen anybody from this country, and certainly what I learned from my African friends. I went to South America as a Peace Corps volunteer and lived in a very poor barrio. I lived in a place without water, without lights. I grew up in Carmel, California. We had plenty of water and lights. It was really kind of a cultural shock to do this, but, boy, what a change, what a change.

My sister came to visit me and was killed, not killed, but she died from an accident in a hospital there because they did not have adequate medical devices to determine her head injury. It was just the most dramatic time, but most rewarding time in my life.

And I just came back, going through a lot of anger and a lot of despair because my mother had also died of cancer while I was a Peace Corps volunteer, but it had nothing to do with being Peace Corps. The Peace Corps woke me up as to when I went going back, thinking about, well, why am I doing this. Why am I going back to this country?

And it was, well, did you not realize that there were places in the world where you do not get access to health care and you do not get access to education and you do not have access to essentially a safe place to sleep? That is what the culture of poverty is about, and if you are going to bust the culture of poverty, you are going to do it through trying to empower people to provide education for themselves, provide, you know, access issues, all of the things here you and I joined Congress to do, why we are in public service today.

So I think what is interesting about this moment, and I think we are going to begin reflecting on it is this call to service. You all answered that call, and I want to thank you for being in public service, and I want to thank all of those in service, whether it is the military or Peace Corps or all of the War on Poverty, the domestic programs we have.

And this bill just allows us to sort of rethink that at a time when I think it is really important that our Nation recognize this kind

of service, and I want to say that I just looked up the number of Peace Corps volunteers that you represent just on this subcommittee alone. It is 422 people serving around the world that you as Members of Congress represent, and I think the largest is Congressman Daines, but also Jared Huffman and Peter DeFazio represent an awful lot, you know, over 35 Peace Corps volunteers.

So I ask of you as a colleague, as it is with Dom Petri, and we have become really close friends because of our common backgrounds of being young folks going overseas, is that we pass this bill in the spirit of a call for service and a recognition that that service is important to this country and to the world.

Thank you very much.

Mr. BISHOP. Thank you.

I appreciate our colleagues joining us. Once again, you all three have the invitation to stay with us if you wish, though I realize that you have a busy schedule. So I will understand if you just blow me off like that and go away.

Unless there is a specific question that any member has for these witnesses, then we thank you for your testimony and appreciate your time being here.

This concludes our discussion on H.R. 915.

We are now going to go and take two bills. So I want to do H.R. 3286 and H.R. 3311 together. Both of them deal with park lands and potential shutdown.

I would invite Bruce Sheaffer, who is the Comptroller from the National Park Service in the Interior Department, if he would come forward, and also I would ask Lieutenant Governor Spencer Cox from the State of Utah, newly sworn in as lieutenant Governor. We welcome you here to your first dealing with Congress. You will find that Utah is much better than us.

And also Matt Sease—did I pronounce that properly?—the Treasurer of the Montana Lodging and Hospitality Association.

If they would come forward with this next panel.

Mr. Sheaffer, what I would ask you to do, and especially as we are running out of time, could I ask you if you would give your testimony to cover not only these two bills, but the Lummis and the Young bills as well, but if I would then ask you to stay at the dais so that you could be available for questions on the other bills as they come up?

Mr. SHEAFFER. Yes.

Mr. BISHOP. All right. You are now recognized for 5 minutes.

For those of you who have never been here before, the timer is in front of you. The green light means you are free to go. Yellow light means you have got a minute left. At the red light, I wish you to stop in midsentence if possible.

Mr. Sheaffer.

**STATEMENT OF BRUCE SHEAFFER, COMPTROLLER,
NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE
INTERIOR**

Mr. SHEAFFER. Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on the four bills under immediate consideration.

I have a full statement for the record and will summarize my view here or the Department's views here in a quick message.

The Department will not be presenting its views today on the fifth bill, as I am not sure if it is even under consideration at this time, regarding Wyoming paddle use issue. Protecting Parks, 3286 directs the Secretary of the Treasury to reimburse States for funds expended for activities conducted during the government shutdown that were necessary to operate a national park.

Under the terms of the agreements that funded National Park Service personnel to reopen specific national parks, the States donated to the National Park Service lump sum payments in advance to cover the cost of operating the parks for a specific number of days. When Congress passed a continuing resolution providing appropriations for Fiscal Year 2014, the National Park Service was able to stop charging employees' time against that account and has returned the unused donated funds.

The Park Service immediately began the process of reimbursing, and we did so very quickly, a total of \$1.6 million as expended. However, the National Park Service does not have the authority to reimburse States for the portion of funds that was expended. An act of Congress is needed for that. H.R. 3286 would provide that authority.

We estimate this legislation would cost the U.S. Treasury approximately \$2 million.

H.R. 3311, Access and Retain Continuity, the other bill you would like to consider at this time, would require the Secretary of the Interior to enter into agreements with States to allow them to conduct Federal Government activities that are necessary to operate facilities or programs that have a direct economic impact on tourism, mining, timber, and general transportation.

The agreements would be for activities a State conducts during a time when the Federal Government was not conducting the activity due to a partial shutdown resulting from lapse in appropriations. The Department strongly opposes this bill.

We have a great deal of sympathy for businesses and communities that experience a disruption of activity and loss of revenue during last month's government shutdown and that stand to lose more if there is another funding lapse.

However, rather than only protecting certain sectors of the economy from the effects of a shutdown of this nature, it is the position of the Administration that Congress should protect all sectors of the economy by enacting appropriations on time so as to avoid any future shutdowns.

In addition, the proposed legislation would be a poor use of departmental resources to prepare what would be an enormous number of agreements with State governments just for the possibility that a funding lapse might again occur.

Furthermore, similar to H.R. 3294, this bill would undermine the longstanding framework established by Congress for the management of Federal lands under the stewardship of the Department of the Interior by aligning States to carry out activities that are inherently Federal in nature.

[The prepared statement of Mr. Sheaffer follows:]

PREPARED STATEMENT OF C. BRUCE SHEAFFER, COMPTROLLER, NATIONAL PARK
SERVICE, U.S. DEPARTMENT OF THE INTERIOR

CONCERNING H.R. 3286, TO DIRECT THE SECRETARY OF THE TREASURY TO REIMBURSE
STATES THAT USE STATE FUNDS TO OPERATE NATIONAL PARKS DURING THE FEDERAL
GOVERNMENT SHUTDOWN, AND FOR OTHER PURPOSES

Mr. Chairman, thank you for the opportunity to appear before you today to provide the Department of the Interior's views on H.R. 3286, a bill to direct the Secretary of the Treasury to reimburse States that use State funds to operate National Parks during the Federal Government shutdown, and for other purposes.

H.R. 3286 directs the Secretary of the Treasury to reimburse any State for funds expended for an activity conducted in fiscal year 2014 during the government shutdown that was necessary to operate a national park located within the State. Reimbursement would be provided only for activities authorized under Federal law and conducted in a manner and at approximately the same level in scope and cost as they would have been conducted by the Federal Government.

From October 1 through October 16, 2013, the National Park Service, along with other bureaus and offices of the Department of the Interior, implemented a shutdown of our activities due to a lapse in appropriations. Under the closure determination and notice issued by the Director of the National Park Service, and consistent with applicable law, the National Park Service closed and secured all 401 national parks across the country, suspended all activities, and furloughed more than 20,000 National Park Service employees.

In response to the economic impacts that the park closures were having on many communities and local businesses, as the shutdown entered a second week, Secretary Jewell announced that the Department would consider agreements with Governors who indicated an interest and ability to fully fund National Park Service personnel to reopen specified national parks in their States. Six States—Arizona, Colorado, New York, South Dakota, Tennessee, and Utah—signed donation agreements with the Department to open a total of 13 park units that are all significant contributors to tourism in the States where they are located. State donations through these agreements totaled approximately \$3.6 million. Once these agreements were signed and the funds were transferred, the National Park Service reopened the national parks in accordance with the specific agreements.

Under the terms of the agreements, the States donated to the National Park Service lump sum payments in advance to cover the cost of operating the parks for a specific number of days. The employees who returned to work in these parks during the shutdown were paid for these days out of the funds donated by the States. When Congress passed a continuing resolution providing appropriations for the first 3½ months of fiscal year 2014 on October 16, the National Park Service was able to resume operations on October 17 and stop charging employee time against the funds that had been donated by the States.

Once the shutdown ended, the National Park Service immediately began the process of reimbursing the six States for the portion of donated funding that was not expended to operate the parks, which totaled approximately \$1.6 million. However, the National Park Service does not have the authority to reimburse States for the portion of funding that was expended; an act of Congress is needed for that. H.R. 3286 would provide that authority.

We estimate this legislation would cost the U.S. Treasury approximately \$2 million and would be subject to Pay-As-You-Go requirements.

Mr. Chairman, this concludes my testimony, and I would be happy to answer any questions you or other members of the subcommittee may have.

CONCERNING H.R. 3294, TO ESTABLISH A STREAMLINED PROCESS THROUGH WHICH A
STATE MAY CLAIM AUTHORITY OVER AND RESPONSIBILITY FOR MANAGEMENT OF FED-
ERAL LANDS LOCATED IN THE STATE WITHOUT CLAIMING OWNERSHIP OF THE LAND,
AND FOR OTHER PURPOSES

Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide the views of the Department on H.R. 3294, a bill to establish a streamlined process through which a State may claim authority over and responsibility for management of Federal lands located in the State without claiming ownership of the land, and for other purposes.

The Department strongly opposes H.R. 3294. This bill would seriously undermine the longstanding framework established by Congress for the management of Federal lands under the stewardship of the National Park Service, the Bureau of Land Management, the U.S. Fish and Wildlife Service, and the U.S. Forest Service. The lands managed by these bureaus belong to all Americans, not just the residents of the

States in which they are located, and therefore should continue to be managed in accordance with laws established by the Federal Government, not individual State governments.

H.R. 3294 would allow a State to submit a petition to enter into a cooperative agreement with the Secretary of the Interior or Secretary of Agriculture (Secretary) for purposes of managing certain qualifying Federal lands located in the State. The bill would require the Secretary to approve or deny such a petition not later than 90 days after the date on which the Secretary receives the petition if the Secretary determines that the petition meets certain criteria identified in the bill. The bill provides conditions for the submittal of a petition by the State, and for the denial of a petition by the Secretary.

The bill provides that State laws shall supersede Federal laws on the qualifying Federal lands administered by a State under a cooperative agreement to the extent that such laws are more restrictive than the corresponding Federal laws. The bill also provides that the United States shall retain all right, title, and interest in and to such lands, and provides for conditions under which a cooperative agreement authorized under this bill shall terminate.

The Department has a number of concerns with H.R. 3294. Our fundamental concern is that the bill would erode the idea of a Federal system of public lands, and the system of laws, regulations, and policies that govern the management of those lands. The management of Federal lands involves the exercise of inherently Federal functions and decisionmaking by land managers to make decisions for the long-term benefit of all Americans. State governments have very different responsibilities for the management of State lands than the Federal Government, and are accountable only to residents within their particular States. Accordingly, each State would be under strong pressure to manage according to local rather than the national interest.

H.R. 3294 would allow a State to take over the administration of lands that are currently managed by four separate bureaus with different missions. Each of these land management bureaus is governed by different laws, regulations, and policies, and they are responsible for managing resources for different purposes. It would be virtually impossible for a State to fully carry out each of the individual missions of these bureaus, and to provide for the long-term management of these Federal resources for the benefit of all Americans.

For example, many National Wildlife Refuges were established as stopover and wintering habitat for migrating birds. They are managed as a system so that the location and timing of food and cover are available to waterfowl and other migratory birds where and when they need it—during spring and fall migrations and breeding and wintering seasons. Ensuring the coordinated management of these migratory species across multiple States and even international borders is most effectively coordinated by the Federal Government.

This bill would not only compromise the statutory protection that Congress has provided to these lands, but may also cause legal confusion for Federal agencies, partners, and stakeholders. State management of Federal lands would eliminate consistency and predictability for companies and partners that invest resources in long-term or large-scale projects on Federal lands, or that rely on Federal laws that authorize partnerships, business services and uses related to these lands, such as lease-holders, miners, ranchers, right-of-way holders, commercial guiding operations, concessions, cooperative associations, and non-profit educational institutions. It may also introduce a new risk of potential liability for the Federal Government, States, and others conducting activities on Federal lands during the interim.

While the Department opposes being required to enter into agreements with States to manage Federal lands, we recognize that it is productive to have some discretionary authority to enter into agreements to share management responsibilities with States and localities, where it is appropriate. Land management agencies already have the necessary authority to enter into cooperative agreements with States to carry out legally authorized activities for a public purpose. In addition, other authorities exist that promote shared responsibilities.

The National Park Service, for example, has authority to enter into cooperative management agreements with States where the sharing of resources provides for more effective and efficient administration of the park lands. But the law that permits cooperative management agreements for park lands specifically prohibits the transfer of administration responsibilities for National Park System units to other entities. Similarly, the U.S. Fish and Wildlife Service has authority to enter into agreements with States under the Fish and Wildlife Coordination Act of 1956, but is not authorized under the National Wildlife Refuge System Administration Act to transfer administration of the Refuge System. And, the Bureau of Land Management also has broad authority, under the Federal Land Policy and Management Act,

to enter into cooperative agreements related to the management, protection, and development of public lands. The Bureau of Land Management has a variety of agreements with State and local law enforcement agencies, including contracting with a State law enforcement agency to provide dispatch services and supplemental patrols on public lands during high-use periods.

In addition, there may be individual cases where it makes sense to have a cooperative management arrangement between a Federal land management agency and a State. For example, the city of Rocks National Reserve, which is federally owned, is cooperatively managed by the National Park Service and the Idaho Department of Parks and Recreation. That management arrangement was authorized by Congress specifically for that site. The Department believes these types of management arrangements should continue to be considered on a case-by-case basis.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions you or any other members of the subcommittee may have.

CONCERNING H.R. 3311, TO DIRECT THE SECRETARY OF THE INTERIOR TO ENTER INTO AGREEMENTS WITH STATES TO ALLOW CONTINUED OPERATION OF FACILITIES AND PROGRAMS THAT HAVE BEEN DETERMINED TO HAVE A DIRECT ECONOMIC IMPACT ON TOURISM, MINING, TIMBER, OR GENERAL TRANSPORTATION IN THE STATE AND WHICH OTHERWISE WOULD CEASE OPERATING, IN WHOLE OR IN PART, DURING A FEDERAL GOVERNMENT SHUTDOWN THAT IS THE RESULT OF A LAPSE IN APPROPRIATIONS, AND FOR OTHER PURPOSES

Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide the views of the Department on H.R. 3311, a bill to direct the Secretary of the Interior to enter into agreements with States to allow continued operation of facilities and programs that have been determined to have a direct economic impact on tourism, mining, timber, or general transportation in the State and which would otherwise cease operating, in whole or in part, during a Federal Government shutdown that is the result of a lapse in appropriations, and for other purposes.

The Department strongly opposes H.R. 3311. We have a great deal of sympathy for the businesses and communities that experienced a disruption of activity and loss of revenue during last month's government shutdown and that stand to lose more if there is another funding lapse in the future. However, rather than only protecting certain narrow sectors of the economy (and only the portions of those sectors associated with Department of the Interior activities) from the effects of a government shutdown in the future, Congress should protect all sectors of the economy by enacting appropriations on time, so as to avoid any future shutdowns. In addition, the proposed legislation would be a poor use of already strained Departmental resources to prepare what could be an enormous number of different types of agreements with State governments, just for the possibility that a funding lapse might occur in the future. Furthermore, this bill would seriously undermine the long-standing framework established by Congress for the management of Federal lands under the stewardship of the Department of the Interior by allowing States to carry out activities that are inherently Federal in nature.

H.R. 3311 would require the Secretary of the Interior to enter into agreements with States to provide for those States to conduct Federal Government activities that are necessary to operate facilities or programs that have a direct economic impact on tourism, mining, timber, or general transportation. The agreements would be for activities a State conducts during a time when the Federal Government was not conducting the activity due to a partial shutdown resulting from a lapse in appropriations. The bill sets out a process for States to petition the Secretary to enter into an agreement and for an agreement to be approved whether a Federal Government shutdown appears imminent or not. It also requires the Secretary to reimburse a State for activities conducted by the State within 90 days after the funds are made available to the Secretary.

The lapse in government funding that resulted in a partial shutdown of the Federal Government from October 1 through October 16, 2013, was the first such shutdown to occur in 17 years. As the shutdown entered its second week, the National Park Service entered into donation agreements with six States to accept from those States the donation of funds necessary to allow the National Park Service to temporarily reopen 13 national park units. In these cases, the States were concerned enough about the loss of economic activity associated with certain national parks to use their own funds to alleviate the impact of park closures.

These agreements did help a select number of businesses and communities. However, even as we appreciated being able to help those few businesses and communities around the parks that were reopened, we recognized the unfairness of the situation across the country. These agreements did not begin to address the impacts

of the closure of all 401 national park units, let alone all of the other activities managed by the Department or the Federal Government. These agreements should not be held up as a model of how the Federal Government should do business. They were designed to be temporary, emergency measures for some individual situations, and would not necessarily work for other Departmental activities associated with the four industries identified by H.R. 3311, nor could they come close to ameliorating the many negative impacts of a shutdown. Such agreements are not an appropriate solution for allowing appropriations to lapse and causing a shutdown.

Additionally, the types of temporary, emergency measures contemplated by H.R. 3311 would introduce further uncertainty for businesses that rely on Federal land activities, as the entity responsible for managing the lands could change depending on the status of appropriations. Furthermore, the variety of activities which occur on these Federal lands, including mining and timber harvest, would be particularly difficult to manage on an interim, individual basis. It may also introduce a new risk of potential liability for the Federal Government, States, and others conducting activities on Federal lands during the interim.

Finally, H.R. 3311 would allow States to carry out activities, including the operation of facilities or programs, which would otherwise be conducted by the Federal Government. The management of Federal lands involves the exercise of inherently Federal functions and decisionmaking by land managers for the long-term benefit of all Americans. State governments have very different responsibilities for the management of State lands than the Federal Government, and are accountable only to residents within their particular States. Accordingly, each State would be under strong pressure to manage according to local rather than the national interest.

The recent Federal Government shutdown had terrible impacts for American citizens, businesses, communities, States and the economy as a whole. These impacts are summarized in the report released by the Office of Management and Budget this month entitled "Impacts and Costs of the October 2013 Federal Government Shutdown" (November 2013). The report makes clear that the economic effects of the shutdown were felt far beyond the tourism, mining, timber, and transportation sectors. Any change in law to try to address the impacts of a shutdown on these particular industries, or on any sectors of the economy, in advance of a future Federal Government shutdown, is not a responsible alternative to simply making the political commitment to provide appropriations for all the vital functions the Federal Government performs.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions you or any other members of the subcommittee may have.

CONCERNING H.R. 915, A BILL TO AUTHORIZE THE PEACE CORPS COMMEMORATIVE FOUNDATION TO ESTABLISH A COMMEMORATIVE WORK IN THE DISTRICT OF COLUMBIA AND ITS ENVIRONS, AND FOR OTHER PURPOSES

Mr. Chairman, thank you for the opportunity to H.R. 915, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and environs, and for other purposes.

The Department supports H.R. 915, which would authorize a memorial commemorating the formation of the Peace Corps and the ideals of world peace and friendship upon which the Peace Corps was founded. This proposal provides that no Federal funds be used for establishing the memorial.

Although this proposal does not seek any exceptions to the Commemorative Works Act (CWA), it should be noted that this proposal to honor the ideals upon which the Peace Corps was founded does not fit the typical mold for commemoration. The concept of establishing a memorial to "ideals" is not explicitly described in the CWA. When testifying on H.R. 4195, a similar bill introduced in the 111th Congress, we identified our concerns that a bill such as that could set an unwelcome precedent for any and all future concepts identified only as "ideals," resulting in an untenable influx of memorial proposals. However, there is precedent for such commemoration: specifically, the National Peace Garden, which Congress authorized in 1987, and the Memorial to Japanese American Patriotism in World War II, which was authorized in 1992.

Our support for this proposal is based upon our understanding that this memorial will recognize the establishment of the Peace Corps and the significance of the ideals it exemplifies, not the organization's members. The CWA precludes a memorial to members of the Peace Corps as the commemoration of groups may not be authorized until after the 25th anniversary of the death of the last surviving member of a group.

The Department notes that H.R. 915 reflects suggestions made to strengthen the language in this proposal as recommended in our testimony on H.R. 4195 in the

111th Congress, and by the National Capital Memorial Advisory Commission (NCMAC) at its meeting on April 21, 2010. The National Capital Memorial Advisory Commission has not reviewed H.R. 915, but in their June 23, 2011 review of the 112th Congress' H.R. 854, which is almost identical to this bill, they expressed support for the concept of a memorial to the ideals of the Peace Corps. NCMAC found that the provisions of H.R. 854 connect the ideals to the exceptional aspects of American character that are exhibited in the ideals of the Peace Corps. We share the Commission's support for the idea of commemorating volunteerism and international cooperation as worthy ideals and practices of the Peace Corps.

That concludes my testimony, Mr. Chairman. I would be pleased to respond to any questions from you and members of the committee.

Mr. BISHOP. I thank you.

And then once again, I would ask you if you would stay there at the panel through all the succeeding bills we deal with.

Let me go first and we will talk specifically about H.R. 3311. So what I would like to do is recognize Mr. Stewart as the sponsor of that bill, then Lieutenant Governor Cox. You would have time after him, and then we will go to H.R. 3286. I will recognize Mr. Daines and then Mr. Sease.

So Congressman Stewart.

Mr. STEWART. Thank you, Chairman Bishop, for holding the hearing and for allowing us to participate.

I am pleased to appear before your subcommittee to introduce H.R. 3311, "To Provide Access and Retain Continuity Act," or the PARC Act as it has become known, and again, thank you for considering this legislation, and to the witnesses, thank you for participating as well.

When the Federal Government shut down in October of this last year, it seemed as if the administration used all of the lessons, frankly, from years of Chicago land style politics to do what they could to make this shutdown as painful for as many people as possible. It is estimated that Utah tourism suffered something like \$30 million losses due to the Federal shutdown.

Now, tourism provides roughly 40 percent of the employment in southern Utah, which I happen to represent, and as a side note, I would recognize that the reason that it is such an important employer in that part of the State is—one of the primary reasons is due to the fact that the Federal Government has shut off nearly all access to the invaluable resources that are available in those lands.

Because of this, businesses and communities were hard hit by the government shutdown. In Utah there are five national parks, seven national monuments, two national recreation areas, six national forests. In fact, 70 percent of my State is controlled by the Federal Government, as I am sure the lieutenant Governor may mention in his testimony.

The State of Nevada is 84 percent controlled by the Federal Government. In Idaho, Alaska and Oregon, the Federal Government controls something like 50 percent. In California, Wyoming, Arizona and New Mexico, it is over 40 percent.

Now, all of this is to say that if the administration wants to make a shutdown painfully felt, it is very easy for them to do that. In the West where there is so much Federal land, it is detrimental not only to tourism, but to other industries such as mining and

timber and transportation and cattle production. All of them are impacted by this as well.

This is not a situation that we welcome in the West. You know, to be very honest, we wish we controlled more of our land, such as they do in the East, but that is not the case. But whether you are from the West or the East, the recent Federal shutdown with its closure of public lands constitutes a loss of billions of dollars in business revenue around the Nation.

And I have proposed the PARC Act to allow States, territories and even the District of Columbia to enter into agreements with the Department of the Interior to keep economically important Federal facilities open during a potential shutdown in the future.

Now, I note that some have called this a doomsday scenario, but I think it is wise for us to prepare for an eventuality such as that. If we keep savings in our personal finances as families, that is not because we are doomsday. That is because we want to be prudent and careful, and I think this is a similar situation.

These agreements would be in place and could not be altered as a result of just political vicissitudes, and they would allow for continued operation of public lands and for an avenue for which the government has reopened and States can be compensated for expenditures on behalf of the Federal Government.

And finally, let me just end with this. If you love the national parks as I do and if you want to keep the national parks open as I do, and if you think it is a good idea to prepare for an uncertain future, if you want to protect small businesses and rural communities as I do, and then finally if you think it is a bad idea for the Federal Government to have such power over the States as I do, then this is a good bill. It does all of these things, and for that reason I ask for your support and I encourage its passage.

And with that, Mr. Chairman, I would yield back my time.

Mr. BISHOP. Thank you.

We would now like to turn to Lieutenant Governor Cox in the State of Utah and recognize you for 5 minutes to talk specifically about the Stewart bill.

STATEMENT OF THE HON. SPENCER J. COX, LIEUTENANT GOVERNOR, STATE OF UTAH

Mr. Cox. Thank you, Mr. Chair and Ranking Member, Mr. Grijalva. It is a pleasure to be here on behalf of the State of Utah. Governor Gary Herbert sends his apologies. He would prefer to be here but is otherwise engaged at the time.

Congressman Stewart has very eloquently stated the position of the State of Utah, and I do not wish to tread upon his remarks in any way, but I would like to maybe pull back the curtain just a little bit if I could in the happenings that kind of led to this.

During the shutdown, as has already been stated, the results were devastating for the small rural towns and cities surrounding our national parks, and we felt that very severely throughout the State. When we were reaching for solutions to that, Governor Herbert made a call to Secretary Jewell, and I really cannot state forcefully enough the importance of that personal relationship, two people who do not always see eye to eye, but have worked very diligently to have a personal relationship.

So when that call was made, the Secretary was very willing to talk. I can tell you that at the end of the day this was on a Wednesday after the parks had been closed for several days. We were coming up on Columbus Day weekend, which is one of the biggest weekends in the fall time of our national parks, and we were very concerned about the economic devastation that was taking place.

At the close of the day on Wednesday, we thought there was no way a deal could be done. On Thursday morning, Secretary Jewell called back and said, "I think we can make this happen." By Thursday night, we had a deal in place. It was a real testament, again, to personal relationships. It was a testament to what can happen when we put aside our personal prejudices and work together. It was, I believe, a real triumphant example of leadership within a Red State and with Secretary Jewell.

I am very pleased with the results of that as we have seen the positive effects of that effort. What this bill is attempting to do, I think, is just to lay the groundwork for what has already been done. It worked. We have proven it can work. It can be done. It makes sense. It is something that the American people, the citizens of my State would hope would happen in the future so that we do not run into this again: again, a \$30 million loss to the economy of Utah.

One business in particular estimates \$2 million alone. We had several businesses that were literally on the verge of closing for the year, and some on the verge of bankruptcy.

Now, during that negotiation, the initial negotiation was that the State would be paid back as soon as the government was reopened. We felt like that is what we were negotiating toward. We were told that that would happen, and then as things kind of wound down, we were told that the attorneys said that that was not possible because of the Anti-Deficiency Act, but that they fully expected that we would have no problem getting Congress to get us the money back when that was over.

I realize the joke was on us, right? In fact, The Interior told us they would draft the language to make sure that that happened. So there was a real spirit of collaboration, and we sincerely hope that that spirit will continue forward.

I know I appear to be speaking a little bit to 3286. That was not my intention, but again, the benefits of 3311, the bill, are that the next time we will not have to worry about getting paid back. That would be in statute. We would be able to make sure that that happened.

I would just close with a little story, if I could. I had a young man that I was very close to who found himself in some financial trouble. He hesitantly asked me if I could help him, and I did that, told him not to worry about paying me back.

A few months later he came with the money in hand. I said, "I told you not to worry about it."

He said, "No."

And I said, "Well, why?"

And he said, "Because it is the right thing to do." I know that may be asking a little too much of this Congress, but it is the right thing to do, and we would surely appreciate your support.

Thank you, Mr. Chair. I yield back my time.
[The prepared statement of Mr. Cox follows:]

PREPARED STATEMENT OF SPENCER J. COX, LIEUTENANT GOVERNOR OF THE STATE
OF UTAH

CONCERNING H.R. 3311—PROVIDING ACCESS AND RETAIN CONTINUITY (PARC) ACT

Good morning, I am Spencer J. Cox, Lieutenant Governor of the great State of Utah. Thank you, Chairman Bishop and Ranking Member Grijalva, for holding this important hearing. I appreciate you inviting me to speak to you and members of this subcommittee regarding the “Providing Access and Retain Continuity (PARC) Act”.

Utah paid approximately \$1.67 million (\$166,572 per day) to operate Utah’s national parks and monuments until the budget crisis was resolved. The intent of the State of Utah in allocating State funds for the operation of these Federal facilities was meant to be a temporary solution until the budget impasse was resolved and the funds could be repaid. The important principle is that when States agree to help in a time of need, they should be fully compensated for this assistance in a timely fashion.

Utah’s national parks and monuments were severely affected by the recent Federal government shutdown. These national treasures are estimated to add \$100 million per month to Utah’s economy. This money goes to support Utah’s rural communities, like Moab, Hanksville, Panguitch, and Springdale, whose economies are symbiotically tied to the tourism dollars brought in by the domestic and international visitors who come to Utah.

When the Federal Government partially closed on October 1, the effects were immediate, and they were dramatic. Local hotels went from being full to virtually empty in a matter of days and bus companies shut down. Many outfitters received cancellations that threatened their entire season and supporting businesses were facing the prospect of going bankrupt because of actions out of their control.

However, the State of Utah and the Department of the Interior were able to quickly negotiate an agreement in which the State would upfront the money to the National Park Service in order to operate Utah’s national parks and monuments until Federal budget crisis was resolved. The State committed approximately \$1.67 million (\$166,572 per day) to operate these facilities for 10 days. The Federal budget crisis was resolved 6 days after the State began subsidizing the operation of Utah’s national parks and monuments.

Ultimately, the Federal budget crisis was resolved 6 days after the State began subsidizing the operation of Utah’s national parks and monuments. As of today, the Department of the Interior has refunded the unused portion (approximately \$666,000) of the money that the State wired to the Federal Government. However, Utah has not yet received the remaining \$1 million that it committed to operate these facilities.

There are several reasons why the State of Utah should be compensated for this expenditure:

1. The National Park Service continued to collect all fees and profits generated from the national parks and monuments while the State of Utah paid to operate these facilities.
2. The National Park Service receives an annual budget allocation to operate these facilities, and this money was not reduced to account for the amount funded by State funds.
3. In the continuing resolution passed by the Congress, which reopened the Federal Government, section 116 instructs that when States use State funds to continue carrying out a Federal program, the State shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available.

The intent of the State of Utah in allocating State funds for the operation of these Federal facilities was meant to be a temporary solution until the budget impasse was resolved and the funds could be repaid. It is also clear that the intent of the continuing resolution passed by Congress was to fully reimburse States for State funds used to operate Federal programs. I support a Congressional solution in which the Interior Department is instructed to reimburse States for these expenditures as stated in the “Providing Access and Retain Continuity (PARC) Act”

However, the important guiding principle that must be upheld is that when States agree to help in a time of need, they should be fully compensated for this assistance.

Mr. BISHOP. Thank you. I appreciate that.

Mr. Daines, I would like to recognize you now to introduce your legislation.

Mr. DAINES. Thank you, Mr. Chairman, and thank you for holding this hearing on H.R. 3682, the Protecting States and Opening National Parks Act.

I want to also thank the 26 bipartisan co-sponsors on this legislation, many whom are representing States who stepped up to the challenge as Utah did to open up our parks while the Obama administration refused access during the partial lapse in appropriations.

It is rare we see much bipartisan agreement in this town. It is nice to see seven Democrats joining already as co-sponsors on this bill on the House side. In fact, H.R. 3286 has a Senate companion bill already, Senate Bill 1572, sponsored by Senators Alexander, Hatch, Udall, and Bennett.

Because we need to support our States who stepped up to the challenge during this most difficult time with this strong bipartisan support, and I urge passage of this solution to make these States whole for the expended costs due to inaction in Washington. That is what H.R. 3286 will provide.

Nobody wanted to see the shutdown. It is important that when we see DC fail in its most basic responsibilities to govern, it is imperative we have contingency plans when the government cannot do its job, and this is what will help to remove the uncertainty because many families are planning vacations well in advance to our great national parks.

I grew up an hour away from Yellowstone National Park. I went from kindergarten through college in Bozeman, Montana. We love our national parks. We love going up to Glacier Park in the State of Montana. They are truly treasures for this country, and when DC fails to do its job, we do not want the people to suffer, and when the States are willing to step up and be part of the solution, in fact, most folks back in Montana will tell me we would like to see DC look more like Montana, not the other way around.

I come to Congress with a degree in engineering. I do not have a law degree. So I guess I am one of those endangered species up here. I am not a lawyer. I am an engineer. You are trained in engineering to identify a problem and then find a solution. In Montana, we get up early. We go to bed late. We work hard. We want to get the job done.

And during the month of October, we knew that Washington, DC had a problem. However, the implementation of the partial shutdown when the administration forcefully prohibited access to public lands, it seemed that the administration was seeking to avoid a solution and only increase hardship.

We saw that with the Department of the Interior responding on day one by barricading the veterans from the World War II memorial. The Department had signs prepared and displayed right away to ensure the public could not access public lands, even where there was normally no presence of Department officials whatsoever.

I spoke to hunters in Montana who were seeking to cross some sections of Federal land, of public lands, and suddenly these signs were erected saying these public lands are closed, and for many in

Montana it was a realization that these are not public lands. These are government lands with the government keeping the public out of their lands.

This partial shutdown demonstrated almost too clearly what many have grown to understand, the fact that our public lands are anything but that. They are controlled by the government. During those 17 days, Montanans could not enjoy Yellowstone and Glacier Parks and other public lands, including many of our favorite places to hunt and fish.

This year Yellowstone and Glacier lost over 50 percent of their visitors for the month of October as the administration did everything it could to make clear to the public that our parks were not open for business. Mr. Matt Sease, General Manager of the Super 8 in my home town of Bozeman—we are thrilled to have you here today—will testify on behalf of the hotel and lodging industry. He will describe the financial hardships our local economies endured during those 17 days that cost millions of dollars to our gateway economy.

Teddy Roosevelt established the first national park, and that is Yellowstone National Park. On top of the Roosevelt Arch at Gardiner, Montana, are the President's words: "for the benefit and the enjoyment of the people." During those 17 days the Obama administration failed to even try to uphold President Roosevelt's mantra.

The administration's posturing during the partial shutdown had devastating effects on Montana and other States reliant on access to public lands. Luckily those several days into the shutdown on October 10, the administration finally allowed our States to provide what the Federal Government said it needed to allow access to our parks. While I am disappointed Montana did not take advantage of this flexibility, six States did step in and rose to the challenge of solving the problem of allowing the public back into their lands.

These States deserve to be made whole, and that is why I introduced H.R. 3286 and urge its passage. I yield back my time.

Mr. BISHOP. Thank you.

Mr. Sease, we are happy to have you here. It is always tough to be the last one on the panel, but your testimony is still great.

You have 5 minutes. Please go for it.

STATEMENT OF MATTHEW SEASE, TREASURER, MONTANA LODGING AND HOSPITALITY ASSOCIATION

Mr. SEASE. Chairman Bishop, Ranking Member Grijalva, and distinguished members of the Natural Resources Committee, I would like to thank you as well as Representative Steve Daines for inviting us to today's hearing.

Montana has more spectacular, unspoiled land than anywhere else in the Lower 48. For those of us who call Big Sky Country home, we consider the mountains, rivers, and public lands a cherished part of our heritage. We take very seriously our inherent duty to balance, for both our residents and our millions of annual visitors, the responsible use of land and the unfettered access to it.

It is with great interest and some trepidation that we, who call Montana home and depend heavily on the tourism that springs forth from the visitors to our Federal lands, are here today to sup-

port the Protecting States and Opening National Parks bill sponsored by our own Representative Steve Daines.

The recent government shutdown essentially barred the people from their land. We hope this bill along with other congressional action will work to prevent this from ever happening again. Neither Montana's residents nor the thousands of tourists visiting at the time could access our two national parks. They had limited to no access to about a dozen wildlife refuges and were blocked from hundreds of fishing access points along our many rivers.

The last item hit too close to home. Many Montanans had observed little or no Federal presence in the wildlife refuges in the months following the sequestration, but were astonished to see small armies of them the days leading to the shutdown and placing concrete barriers to block fishing access sites along rivers and warning locals not to trespass.

Yellowstone and Glacier National Parks by all accounts are the crown jewels of our State's tourism industry. Nearly two-thirds of our first time visitors come to Montana to visit one or both of the parks, and though a passion is ignited among many first time visitors to return and explore Montana, it is undoubtedly Yellowstone and Glacier National Parks that drive our industry and in large part our State's economy.

In 2012, almost 11 million nonresident visitors traveled to Montana and spent \$3.25 billion. Yellowstone country, the area of southern Montana bordering Yellowstone Park accounted for almost one billion of those dollars. Glacier country in the northwest part of the Montanas surrounding Glacier National Park accounted for over \$700 million of that year's revenues.

Those of us who live in Montana know that without the two national parks we could still spend our time in State parks, forests, rivers and trails, lakes and ski and wilderness areas, as well as the vibrant and charming gateway towns that we call home. But have no doubt the government shutdown had an incredible impact on our State's economy and our Montana brand because for millions of visitors across the world, the parks are Montana and Montana is the parks.

It is incredibly important to understand just how far reaching the effect of the shutdown has been to our State's brand. For many of us when the shutdown ended on October 17, the impact did not. Dozens of hotels lost hundreds of reservations for the entire month of October and November as guests decided not to wait until the shutdown ended and then canceled their trips.

Just this past weekend, local news in the Flathead Valley and Glacier Park reported that the park had a 52 percent drop in visitation for October compared for the same month in 2012. This is the single largest drop since the National Park Service has kept records since 1979.

In the gateway town of West Yellowstone, Montana, a single business lost over \$200,000 and closed two of its three properties, resulting in layoffs far ahead of those anticipated with the annual winter downsizing.

It is also important to debunk a common myth that the shutdown had little impact on business because it happened in October. Admittedly, there is a change in Montana's business cycle following

the peak summer season. For many of our small businesses who depend on nonresident travelers as their largest customer base, they depend heavily on the peak summer season not to make a profit but to make up the losses from the first two quarters of the year.

The months of September and October proved to be the pure profit months. That is when the visitors and families who are not tied to a school calendar can visit the parks, attractions, and when winter begins to close them down, people drive forth in the thousands.

Another small business owner who continues to suffer long after the shutdown is in Cooke City, Montana, on the scenic Beartooth Highway. She and her husband depend wholly on the profits made in October. These profits enable them to get through the end of the year until the snowmobile season begins in mid-January. Though their profits for that month might average less than \$220,000 annually, it is these September and October revenues that allow them to make payroll in November and December and also reinvest for the future in their infrastructure.

Though we will have to wait until the end of the current quarter to understand the full impact of the parks' closures through indicators like the monthly unemployment claims or drops in resort and bed tax revenues, we do not think anyone can argue the impacts are significant. Many hotels and tour companies are already getting phone calls from nervous booking agents concerned that the next government deadline in January will have a comparable impact on snowmobile tours and groups. Understandably these tour agents are hesitant to confirm bookings and reservations.

In closing, Federal lands belong to the people. We are encouraged by this committee's hard work and Representative Daines' proposal to ensure access to these public lands.

Thank you, Chairman.

[The prepared statement of Mr. Sease follows:]

PREPARED STATEMENT OF MR. MATTHEW SEASE, TREASURER, MONTANA LODGING
AND HOSPITALITY ASSOCIATION

Chairman Rob Bishop, Ranking Member Raúl Grijalva and distinguished members of the Natural Resources Subcommittee on Public Lands and Environmental Regulation. I would like to thank you and thank Representative Steve Daines for the invitation to attend today's hearing.

Montana has become known for having more spectacular unspoiled nature than anywhere else in the lower 48 States. For those of us who call Big Sky country home, we consider the mountains, rivers, and public lands a cherished part of our heritage. We take very seriously our inherent duty to balance, for both residents and our millions of annual visitors, the responsible use of the land as well as unfettered access to it.

It is with great interest and some trepidation that we, who call Montana home and depend heavily on the tourism that springs from visitors to our Federal lands, are here today in support of the "Protecting States and Opening National Parks" bill sponsored by our own Representative Steve Daines.

The recent government shutdown essentially barred the people from their lands. We hope this bill, along with other congressional action, will work to prevent this from ever happening again.

Neither Montana's residents, nor the thousands of tourists visiting at the time, could access our two national parks. They had limited to no access to about a dozen wildlife refuges, and were blocked from hundreds of fishing access points along our many rivers. The last item hit too close to home. Many Montanans had observed little or no Federal presence in the wildlife refuges in the months following sequestration, but were astonished to see small armies of them in the days leading up to

the shutdown, emplacing concrete barriers to block fishing access sites along the rivers and warning locals not to trespass!

Yellowstone and Glacier National Parks are, by all accounts, the crown jewels of our State's tourism industry. Nearly two-thirds of our first time visitors come to Montana to visit one or both of the parks. And though a passion is ignited among many first-time visitors to return and explore more of Montana, it is undoubtedly Yellowstone and Glacier National Parks that drive our industry and, in large part, our State's economy.

In 2012, almost 11 million non-resident visitors traveled to Montana and spent over \$3.25 billion in our State. Yellowstone Country, the area of southern Montana bordering Yellowstone Park, accounted for almost a billion dollars of that revenue . . . Glacier Country, the area of western and northwestern Montana surrounding Glacier Park, accounted for over \$700 million of that year's total revenues.

Those of us who live in Montana know that without the two national parks you could still spend a lifetime exploring our state parks, forests & trails, rivers & lakes, and ski & wilderness areas, as well as the vibrant & charming small towns we each call home.

But have no doubt the government shutdown had an incredible impact on our State's economy and the Montana brand; because for millions of our visitors, the Parks are Montana . . . and Montana is the Parks.

It is incredibly important to understand just how far-reaching the effect of the shutdown has been to our State's brand. For many of us, when the shutdown ended on October 17th, the impact did not. Dozens of hotels lost hundreds of reservations for the entire month of October and November as guests decided not to wait out the shutdown and canceled their trips.

Just this weekend, local news in the Flathead Valley near Glacier Park reported that the park had a 52 percent drop in visitation for October compared to the same month in 2012. This is the single, largest drop since the park service began keeping records in 1979.

In the gateway town of West Yellowstone, MT, a single business lost over \$200,000 and closed two of its three properties, resulting in lay offs far ahead of those anticipated with the annual winter downsizing.

It is also important to debunk a common myth that the shutdown had little impact on business because it happened in October. Admittedly, there is a change in Montana's business cycle following the peak summer season as we transition into winter.

For many of our small businesses who depend on non-resident travelers as their largest customer base, they depend heavily on the peak summer season not to make a profit, but to offset the dismal revenues from the first two quarters of the year.

The months of late September and October prove to be the "pure-profit" period. That is when the visitors and families who are not tied to a school calendar can visit the parks' attractions before winter begins closing them down . . . and they do so in the thousands!

Another small business owner who continues to suffer long after the shutdown ended is in Cooke City, MT on the scenic Beartooth Highway. She and her husband are wholly dependent on the profits made in October. These profits enable them to get through the end of the year until the snowmobile season begins in mid-January. Though their profits for that month might average less than \$20,000 annually, it is these September and October revenues that allow them to make payroll in November and December, as well as to make small reinvestments in their infrastructure.

Though we'll have to wait until the end of the current quarter to understand the full impact of the parks' closure through indicators like rise in monthly unemployment claims or drops in resort and bed tax revenues, we don't think anyone can argue the impacts will have been significant.

To make one final point about the continuing impacts of the shutdown, I mentioned the snowmobile season. There are over 4,000 miles of groomed snow machine trails in Montana, predominantly on Federal lands, in addition to those trails maintained in Yellowstone National Park.

Many hotels and tour companies are already getting phone calls from nervous booking agents concerned that the next government deadline in mid-January will have a comparable impact on snowmobile tours and groups. Understandably, they are hesitant to confirm bookings and reservations.

In closing, Federal lands belong to the people. We are encouraged by this committee's hard work and Rep. Daines' proposed bill to ensure access to those lands.

This concludes my public statement. With the Chairman's permission, I would ask to submit these and the rest of my prepared remarks, in writing, for the record.

Mr. BISHOP. Thank you. I appreciate your testimony.

Unfortunately, as you heard by the bell, the votes have been called. Members have about 9 minutes left to make it to the Floor. So we are going to suspend this hearing. I hate to do this to you. I apologize deeply. We will go take the votes, and then we will come back.

For those of you who are planning, I would estimate, well, it depends on if the other side is going to do a motion to recommit. It could be a lot faster if they do not, hint, hint, hint.

Mr. GRIJALVA. Probably.

Mr. BISHOP. All right. So it is going to be longer. But I would estimate at the minimum it is going to be 45 minutes before our return; probably more likely to be closer to 12. Well, that clock is off. It would be closer to 12 o'clock. It will be about an hour anyway.

So I apologize for this. We do not like to do that, but I appreciate your patience with us. When we return we will take up questions on these two bills and then go to the other two bills that are still on the agenda.

We are suspended.

[Recess.]

Mr. BISHOP. We will begin our panel again. I appreciate our three witnesses for joining us again at the podium. I know some of the other members will be making their way briefly here, but for those of you who have not experienced the joy of the elevators in Longworth, you realize that that experience by itself will consume an eternity.

We appreciate the testimony. We will pick up from that point with questions at this time. At this time, Mr. Grijalva, do you have any questions of these witnesses on these bills?

Mr. GRIJALVA. I do, but let me defer.

Mr. BISHOP. Mr. DeFazio, would you like to go first on questions for these witnesses on these two bills?

Mr. DEFAZIO. Yes. Thank you, Mr. Chairman.

Mr. Sheaffer, what is the National Park Service budget today in relation to Fiscal Year 2011?

Mr. SHEAFFER. In relation to Fiscal Year 2011?

Mr. DEFAZIO. Yes.

Mr. SHEAFFER. It is down.

Mr. DEFAZIO. Is it down 12 percent since Fiscal Year 2011?

Mr. SHEAFFER. That is correct.

Mr. DEFAZIO. So we have this donation by the States. If we repay, mandate donation repayment, where does it come from?

Mr. SHEAFFER. Well, as the bill is written, it would come out of the Treasury, not out of the National Park Service appropriation.

Mr. DEFAZIO. It is my understanding that Appropriations would take it out of the Interior account.

Mr. SHEAFFER. Oh, that is possible. At the scoring level I supposed it could be.

Mr. DEFAZIO. Right.

Mr. SHEAFFER. It could, yes.

Mr. DEFAZIO. But at a 12 percent reduction, you are not really at a place to reimburse it yourselves.

Mr. SHEAFFER. I would say not. It would be difficult to find yet another \$2 million.

Mr. DEFAZIO. OK. There is a third bill which is not yet on the table. I mean if you sort of compare the three bills, we have one bill to reimburse the States for their donations, a second bill which is 3311 which says that we will just set up a system proactively to deal with this, and I am a bit puzzled by it. Mr. Cox, you testified in favor of it, and I am wondering your interpretation because it appears to me that the States would immediately take over the parks and run them.

Is your State equipped, say, if you are notified on January 15 that on January 16 the parks are going to be shut, to bring in a mass of well trained and already oriented State employees or contractors to run the park?

Mr. COX. I believe that we would contract with the parks as we did with this previous shutdown.

Mr. DEFAZIO. OK. Well, the language then in the bill, I think, needs a little tightening because it says that the State seeks to conduct, and it is a very broad language, not to just contract.

Now, during this last shutdown, you did not ask for the Park Service to reopen all of the parks in Utah. I believe it was 12 of 18; is that right?

Mr. COX. That is correct.

Mr. DEFAZIO. And so if you were looking at future proactive agreements in case of another one of these self-inflicted wounds, would you endeavor to reopen all 18?

Mr. COX. Yes, I believe we would. The time constraints and the financial restraints because we were not sure exactly how this would work out, we tried to get the biggest bang for our buck from an economic standpoint.

Mr. DEFAZIO. OK. And we did see some pretty high numbers from you about revenue that was lost to, I guess, tourism. I assume that is all categories, small businesses, et cetera.

Mr. COX. Correct.

Mr. DEFAZIO. But some percentage of that probably would have flowed to the State in tax revenues. I do not know what your tax system is like.

Mr. COX. Yes, that is correct. Our taxes are lower than many States, but that is also correct.

Mr. DEFAZIO. OK. So, Mr. Sheaffer, can you envision how much time it would take? I mean, how many units of the Park Service are there around the country?

Mr. SHEAFFER. About 400.

Mr. DEFAZIO. Four hundred.

Mr. SHEAFFER. Yes.

Mr. DEFAZIO. So if all of the Governors in all of the States wanted to have proactive anticipatory agreements, this would probably take some fairly substantial amount of resources, particularly if they varied their requirements or requests or specified things.

Mr. SHEAFFER. Absolutely.

Mr. DEFAZIO. All right. I would note that I think that (a) the language would need tightening and (b) for something that has happened twice since I have been in Congress for 27 years and hopefully will never happen again, I would think that this would

be really a waste of taxpayer money to enter into these proactive agreements with the States.

So, you know, I would not support legislation, and the third bill, which is not subject to this panel but the next panel, would allow States to basically take any asset of the Federal Government under their management, still be reimbursed by the Federal Government for half the cost.

So what do you think about that one? I mean, take Denali and Alaska takes it over. We pay them 50 percent of what it takes to run it. I mean, do our gate revenues provide what percentage of the cost of a park like that?

Mr. SHEAFFER. It varies by park, some higher than others, but I believe it is in the 7 to 8 percent range service-wide.

Mr. DEFAZIO. OK. Thank you.

Thank you, Mr. Chairman.

Mr. BISHOP. Mr. Stewart, do you have questions?

Mr. STEWART. Yes. Again, Mr. Chairman, thank you.

Mr. BISHOP. Make sure your mike is on and you are talking into it.

Mr. STEWART. Yes. Is that better?

Mr. BISHOP. Better.

Mr. STEWART. Is this even better?

Mr. BISHOP. Personally I like it.

[Laughter.]

Mr. STEWART. Mr. Sheaffer, if I could spend just a little time with you, sir, recognizing that you represent the National Park Service. I guess to attain your position you have been with the parks for many years; is that true?

Mr. SHEAFFER. Over 40, yes, sir.

Mr. STEWART. Over 40 years, and I am guessing you have spent some time in Washington.

Mr. SHEAFFER. All 40.

Mr. STEWART. All 40 years.

Mr. SHEAFFER. Yes, sir.

Mr. STEWART. I did not expect that. Well, that tells me you know a little bit about politics then, and in your 40 years here, you have seen a number of government shutdowns, true?

Mr. SHEAFFER. I have seen two of consequence, and then there was a very brief one in 2011, but the ones that affected us were 1995–96 and the most recent one.

Mr. STEWART. And this one, yes. I appreciate that, and they were the ones that most people remember. There is no doubt.

But I am sure that you know, and I will not ask the question because I know you know this, but you know, some of those were caused by Republicans when Republicans were held in power, but some of them were caused by Democrats when the Democratic Party was the party in power.

And I will ask you a rhetorical question, but I would like your response. Would you be willing to bet your life savings that the government will never shut down again?

Mr. SHEAFFER. I would not.

Mr. STEWART. Thank you.

Mr. SHEAFFER. Under these circumstances I would not. I thought you said it was a rhetorical question.

Mr. STEWART. Yes, I do not think any of us would be willing to bet that because we hope that it does not, but politics being what it is, it has happened before more than once or twice. It has happened more than a dozen times, and it might happen again as much as many of us would like to avoid that.

And I guess the essence of my question then is: if that were to happen again and, in fact, not if, but when it happens again I think many of us would say, would we not want to be prepared to keep our national parks open in that eventuality?

And as I read your testimony, I have to tell you that I am not convinced by the reasonings the National Park Service has put forward in their objections to this bill. In fact, I am kind of puzzled by it because it seems to me that our objectives in this are the same. You would like to keep the parks open. I would like to keep the parks open. We are trying to find the best way to do that, and it seems to me, and I would like your answer to this; it seems to me like the Park Service is saying we do not want to do it because it is hard or because it is going to be expensive.

But in comparison to the cost and the cost not just in dollars but in, you know, human costs, it seems like it is worth doing. Could you give me your thoughts on that?

Mr. SHEAFFER. Well, first of all, to be clear, the position represented here is the Administration's position on the issue, and that is, I think, a reflection that they do not want to have one-off solutions to stopgaps in the event of another lapse of appropriation, and I think that was reflected in decisions that were made throughout this past shutdown.

Mr. STEWART. Right.

Mr. SHEAFFER. So it is not solely an issue regarding the National Park Service, but raising it to a higher level.

Mr. STEWART. OK. And I understand that, and I understand and will concede the point. This is not a perfect solution, but it is a much better solution, in my opinion and in the opinion of many of us, than doing nothing or not preparing for this eventuality, which most of us agree will come.

Mr. Cox, if I could turn to you for just a minute, sir, would you elaborate just a little more on some of the benefits that you think occurred to the States and particularly to the rural communities many of which are stressed? And many of them are stressed because of the point I made in my opening statement about the fact that the Federal Government has in many cases cut off access to just enormous slots of land, and the resources and the jobs that would be created from that, and I have left you nearly a minute, but help us understand what good benefits came because your Governor and you and the Administration, and to her credit the Secretary, and I am so grateful she was willing to do this, to her credit working with the State in a fashion to reopen the national parks very quickly.

Mr. COX. Thank you, Representative Stewart.

Prior to serving as lieutenant Governor, I had the opportunity to serve as a County Commissioner for 4 years and am deeply knowledgeable when it comes to the impacts that our Federal lands have on small local rural communities. I come from a town of 1,200 people where I am raising my family.

And the impacts are very serious. We are, again, talking about 70 percent of the State of Utah is covered with Federal lands and public lands, and so this was one instance where we were able to work together. The impacts were very real, were very severe, to the tune, again, of millions of dollars impacting very small communities that do not have that type, as Mr. Sease has said, that do not have those types of margins.

For southern Utah especially as the weather starts to cool, this was the time when people spend their time in our national parks, and not just the citizens of Utah, not just the citizens of the United States, but across the world.

Mr. STEWART. Yes. Thank you, Mr. Chairman.

Mr. BISHOP. Mr. Grijalva.

Mr. GRIJALVA. Thank you very much.

Let me, if I may, Mr. Chairman, Mr. Sheaffer, under the cooperative agreements that are articulated in H.R. 3311, would State employees, just to go over that point, be allowed to operate and staff the national park units?

Mr. SHEAFFER. I, frankly, as Mr. DeFazio said, think it appears that that is true. It appears that that is the authority that is granted there, yes.

Mr. GRIJALVA. Is there any precedent for this arrangement that we know of?

Mr. SHEAFFER. Where the States perform Federal functions?

Mr. GRIJALVA. Yes.

Mr. SHEAFFER. I am not certain that I know of any, no. I mean, we have cooperative agreements with States where we are collocated or located closely together.

Mr. GRIJALVA. And each unit of the National Park Service is unique. They have unique sets of rules and regulations that guide the management of those units in each individual park; is that correct?

Mr. SHEAFFER. And legislation guiding that as well, yes, sir.

Mr. GRIJALVA. And does the Park Service right now, just to get the information for us, have the authority to allow States to manage or co-manage units in the national park system?

Mr. SHEAFFER. No, sir.

Mr. GRIJALVA. During the shutdown, how many employees did the National Park Service have to furlough?

Mr. SHEAFFER. Roughly 16,000.

Mr. GRIJALVA. If I may, Mr. Lieutenant Governor, let me jump ahead to the legislation that has been signed by the Governor in Utah, H.R. 148, which has similarities to the legislation that was introduced by my colleague, Mr. Young, and it also ties into this question of a cooperative arrangement in preparation for the worst.

A 2012 report, Mr. Lieutenant Governor, issued by the Utah's Constitutional Defense Council, recommends that the State of Utah increase funding for existing State parks to further demonstrate Utah's commitment to conserving and protecting its natural landscapes. This suggests that previous funding had not been sufficient to maintain those State parks.

Given complete management prerogative by the State over the 13 national parks, how does the State intend to fund the operation of those 13 additional national parks that would then become,

given the legislation the Governor signed and is being litigated at this point or is going to be litigated, how do you fund that?

Mr. COX. I am sorry. I am not sure I understand the question. There were lots of subplots in that question.

Mr. GRIJALVA. Well, the one subplot is that the Constitutional Defense Council said the operational budget for the national park units in Utah is \$40.8 million in 2011. If Utah is successful in its bid to take over this Federal land, would Utah expect Congress to give a direct appropriation to that amount or half that amount in order to operate the parks, or would Utah now having complete authority over those lands be in a position to fund it itself?

Mr. COX. OK. So, again, trying to parse the portions of that question, so as it refers to H.R. 3311, we would set aside funds in the eventuality that there was another shutdown sufficient to, again, just like we did in the past shutdown, to pay for the operations of the parks, to contract with the park and their employees, and then we would expect to be reimbursed upon reopening of the parks.

Mr. GRIJALVA. In a full takeover of the lands—you are talking about H.R. 3311—in a full takeover of the land consistent with the legislation that passed and was signed by the Governor in Utah, how would the States deal with issues like suppressing wildfires?

Is a legislative framework in place to provide protections for all the laws and the mandates that are on Federal land now? Would they be similar to—

Mr. COX. Yes.

Mr. GRIJALVA [continuing]. Six thousand abandoned mines in Utah.

Mr. COX. I am not sure how that is germane to the bills at hand, but I would say that the legislation passed by the State of Utah specifically excluded national parks.

Mr. GRIJALVA. Thank you, Mr. Chairman.

Mr. BISHOP. Thank you.

Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman.

Mr. Sheaffer, my question, you are testifying on behalf of the National Park Service today; is that correct?

Mr. SHEAFFER. That is correct, but some of these bills reference the other land managing agencies as well. So I am representing the Administration's position on those bills.

Mr. SMITH. OK. But in regards to H.R. 3286, you are testifying on behalf of the National Park Service?

Mr. SHEAFFER. Yes.

Mr. SMITH. OK. And let me get this straight. The taxpayers of the United States pay your salary as a Federal employee?

Mr. SHEAFFER. Correct.

Mr. SMITH. And you are testifying against them having access and availability in more ways for their lands to be open?

Mr. SHEAFFER. I do not understand the question.

Mr. SMITH. Is the National Park Service in your testimony, you are opposing H.R. 3286? You are opposing that, correct?

In your testimony you said that the National Park Service was opposed to H.R. 3286.

Mr. SHEAFFER. That is correct. I believe I have the right number.

Mr. SMITH. And H.R. 3286 apparently to the language is providing another avenue of keeping our Federal parks open to the public, correct?

Mr. SHEAFFER. I believe that is its intent, yes.

Mr. SMITH. And you all are testifying to limit the parks from being open to the public.

Mr. SHEAFFER. We are testifying we are opposed to the language as written, yes.

Mr. SMITH. You know, I hope the committee sees the direct irony in this case of where the National Park Service is trying to limit access to the people that pay for the National Park Service to even be in existence. I think that is absolutely unacceptable, and whether it is the Administration or whoever it is that is advising the National Park Service, it needs to be addressed and looked into.

With that I will yield the rest of my time, Mr. Chairman.

Mr. BISHOP. Thank you.

Mrs. Lummis, do you have questions to these two specifically or do you want to hold on?

Mrs. LUMMIS. Thanks, Mr. Chairman. I will defer until later. Thank you.

Mr. BISHOP. Let me ask what may be the last round of these questions, and, Mr. Sheaffer, I appreciate you being—"Shaeffer" or "Sheaffer"?

Mr. SHEAFFER. "Shaeffer."

Mr. BISHOP. "Shaeffer." I appreciate you being here. I realize you are the Comptroller, which means you have expertise on some of the questions we are going to ask, and I realize you do not have policy decisionmaking power down there, and you are not essentially responsible for the testimony that has been given to us, but I hope you would take back the message that some of the testimony that is presented on these three bills are some of the most atrocious testimony that we have actually heard in this particular committee.

Now, let me go with a couple of the elements that are just being given. It is the testimony of the Department that legislation is necessary to actually give this money back to the States that was donated. Yet in the 1990s, you were able to work out agreements in which you actually accepted money and returned the money without legislation.

Is that actually what the Park Service and the Department of the Interior is testifying today?

Mr. SHEAFFER. The distinction, if I may, Mr. Bishop, between the two is that the money that was given to us in 1995-96 was very late in the shutdown operation and no charges were ever made to the donation account. That is very different from what happened here.

Mr. BISHOP. This has been very late in the shutdown process situation as well. So let me ask you: who initially rejected the offer of help from the States? Who in the Department made that decision to initially reject their States' offers?

Mr. SHEAFFER. I do not know who was on the phone with the State at that time, sir.

Mr. BISHOP. Do you know whose decision it was to close the parks despite the offers from the States?

Mr. SHEAFFER. To keep the parks closed despite the offers?

Mr. BISHOP. Yes.

Mr. SHEAFFER. I do not. I know that there were conversations between the Governor's Office and——

Mr. BISHOP. Then do you know who made the decision to change the policy to accept the money?

Mr. SHEAFFER. Ultimately I think the Secretary was engaged in all of those conversations and Director Jarvis and maybe others. I do not know.

Mr. BISHOP. All right. Let me go back to something which you should definitely have control over. The \$2 million that has been expended for money sent to the States that you do not want to give back, that \$2 million was covering what was suspended that could have been given you had the CR gone forward, correct? In lieu of not having the money because there was no CR.

You now have the CR, which means you have the original amount of money. What the States gave you is in addition to that money. Where is that extra \$1½ to \$2 million floating around in your Department?

Mr. SHEAFFER. Well, at this time, the money that was spent by the State and then replaced, spent by the individual parks that was later replaced by appropriations, the answer to the question is the money would be in those parks.

Mr. BISHOP. So you still have the \$2 million there. You have an additional roughly \$2 million that is floating around in your budget that was not appropriated and you were not planning on when you originally had the appropriation.

Mr. SHEAFFER. Well, that is correct.

Mr. BISHOP. And you still do not want to give that \$2 million, which is still a surplus that you have, back to the States that originally gave it to you, even though now your budgets are whole. Is that the testimony, once again, of the Department?

Mr. SHEAFFER. Mr. Bishop, it is not an issue of want. We do not have the authority to return money that has been obligated from a donation.

Mr. BISHOP. Did you have the authority in the 1990s to do that?

Mr. SHEAFFER. The money was not used, just as we return money that was unused this year, Mr. Bishop.

Mr. BISHOP. Oh, so just because you actually gave a check, you do not have the authority to fix it.

Mr. SHEAFFER. I do not have the authority to——

Mr. BISHOP. Which would indicate why it would be essential for somebody like Congress to come and give you that authority and give you the plans so you do not have to face this kind of ludicrous situation in the future, would it not?

Mr. SHEAFFER. The authority to repay them?

Mr. BISHOP. Yes.

Mr. SHEAFFER. Yes.

Mr. BISHOP. If you are not willing to do it even though you have done it in the past by finding some condition of technicality, then obviously Congress needs to step up and do it for you since the Department is not willing to do it on their own account.

Mr. SHEAFFER. We need congressional authority to repay money.

Mr. BISHOP. How long did it take to make this deal with the States?

Mr. SHEAFFER. It took a very short time actually. We worked it through in a—

Mr. BISHOP. Mr. Cox, how long did it take for you to make a deal with the Park Services?

Mr. COX. Less than 24 hours.

Mr. BISHOP. Your testimony is you took in less than 24 hours the concept to do here, but if you were to do future planning so this situation was avoided in the future, the testimony of the Department is it would take you too long to actually work through that?

The workload to actually make prior preparations for what could happen is too onerous that the Department cannot actually spend the time and effort to do that, when you were able to solve this problem in less than 24 hours? Is that really what this Department is testifying?

Mr. SHEAFFER. I think part of it is. I think part of it is, as was said by Mr. DeFazio, is that it depends on the conditions under which they would be willing to sign an agreement. If they were as straightforward as these, it probably would not take very long.

Mr. BISHOP. So would it not be wise to do it now in legislation? Why is the Department so adamantly opposed to solving the problem ahead of time?

Mr. SHEAFFER. I can only say, sir, that the Administration is opposed to solving one problem in one Federal program under the conditions that might present themselves in the future.

Mr. BISHOP. I do have other questions, but I want to allow others to go forward before I do because I have run out of time.

Mr. Grijalva, do you have more upon this bill?

Mr. GRIJALVA. I will go after him.

Mr. BISHOP. Mr. Stewart, do you have more questions on this one?

Mr. STEWART. No, I am enjoying listening to you.

Mr. BISHOP. Mr. Grijalva.

Mr. GRIJALVA. Mr. Sheaffer, you made a point, and I think it is a valid point because this whole discussion is about, and appropriately so, a value judgment, that the parks are a value, economic, aesthetically, to the States. I think it was mentioned in Montana, that it is part of our brand. Part of our marketing is the national parks, and that because of that brand and that marketing, and when it is not available to the public we lose money. So it is a value judgment that we are making here.

There are equally compelling value judgments of the people that, because of the shutdown, were hurt in other areas other than the parks. So the consistency point that you brought up, that why does one area get spared when you set up legislation for reimbursement and for cooperative agreements with the States around the issue of parks, but we do not set them up around the issue of Head Start. We do not set them up around the issue of our public schools. We do not set them up about the issue of cancer treatment centers and other places that depend on Federal funding, Meals on Wheels, our defense industry in a variety of States.

So, you know, while this is an appropriate value judgment, there are across the board value judgments. I wondered if the State of

Utah or Arizona would be willing to sign a cooperative agreement that if we shut down again, the Head Start centers are going to stay open and that Indian Health Services is going to continue to function at the level that it should.

I wonder if they are prepared to do those kinds of agreements. I would suggest they are not. This is a neutral feel good, and it should be a feel good issue because our parks are about the American people feeling good, but you know, this whole shutdown did not just linger here at the parks. It lingered in every other funding area in this country, and everybody suffered from it.

You know, if we want to be consistent, then bring us cooperative agreements and legislation that ties States to continuing funding in all areas affected by a shutdown, not just this one.

I yield back.

Mr. BISHOP. I do appreciate what Mr. Grijalva has just said, and I would like simply to point out that while the shutdown was going on, the House did vote to open up all of these. We did vote to actually do that kind of stuff, and I actually would not be opposed to that, but unfortunately, the tenor of this committee is only dealing with public lands, and what we are dealing with is public lands.

Mr. Sheaffer, I want to correct one of the statements that you made, and once again I understand you are not a policymaker in the Department. However, there are Federal lands that are being managed by State and local government by an agreement, and, yes, you do have the power to do that. We do them in Sand Flats, Coral Pink Sand Dunes in Utah, and, yes, that does mean, to answer one of the other questions that was brought up, that State employees do the same function that Federal employees would do. It is just a matter of who actually signs the particular check.

Mr. Sheaffer, I want to say, well, two other things here, and then we will move on to the other pieces of legislation. The question has been made of whether the State is willing to actually fund any obligation. Mr. Cox, you stated clearly that the State Law 148, which was referenced, does not ask for taking over the parks or wilderness and several other areas.

Is the State prepared if this bill were passed to actually pony up and pay for these things?

Mr. COX. Yes.

Mr. BISHOP. Which simply indicates that if the Federal Government has a backlog that in Alaska itself is \$121 million, States certainly could do no worse than what the Federal Government is doing in ownership and management of these particular pieces of land and actually should be given the opportunity.

Mr. Sheaffer, when you go back what is so galling to me about the testimony the Department gave is ultimately—and you can correct me if I am wrong—but you ultimately are saying the Administration opposes these two pieces of legislation because there should not be a shutdown at all. That is the bad point.

You are strongly opposed to it because it would take too much work to try and implement a solution ahead of time. That testimony is the indication of some entity that has simply spent too long in bureaucratic excess and not actually trying to do things that help people.

Mr. Cox, I will ask one last question and I will be done with my time. If what we are hearing now in the Department's testimony is they do not want to work with States and they do not want to have solutions in the future, what in the hell does that tell your businesses that work around these parks? I mean, you open it up because of the business activity. What are you now going to tell those businesses that simply say the Park Service strongly opposes any type of effort to solve this problem in the future?

Mr. Cox. Well, I must admit we were really surprised and shocked at the testimony that was submitted by the parks because the reaction has been so incredibly positive. Everywhere we go we just hear, "Thank you so much for working. Thank you so much for not being dysfunctional. Thank you for making this happen. Thank you for reopening the parks. We realize that people actually care about us."

And it would seem that we would now have to tell them that that is not necessarily the case.

Mr. BISHOP. Thank you.

I will ask one last question of you, even though I did not mean to. Can you tell me your hometown, so that somebody whose roots go back to Mount Pleasant—

Mr. COX. I am from Fairview. My wife is from Mount Pleasant, and we are Sanpete County kids.

Mr. BISHOP. I do that for my staff and my staff only.

Mr. COX. Thank you.

Mr. BISHOP. Let me say one last thing. I am actually at the end of the questions. Then on these two pieces of legislation I wish to appreciate your being here, Mr. Sease. We did not actually have a chance to go into much more detail, but I appreciate the testimony you have given. Your written testimony is in the record.

There may be other questions that will be asked by committee members. We would ask you to be responsive to those in writing in the period of time.

Mr. Sheaffer, we would ask you to stay on the panel for the rest of it.

May I state just before we go on to the other things because I am going to be even nastier as we come forward, I recognize you are the Comptroller. You did not write the testimony, but this is the testimony. My problems, my complaints are not necessarily for you and what you are doing with the counting of the money. It is with the testimony that was submitted by the Department of the Interior.

I apologize that you are having to face the brunt of that testimony.

With that we will dismiss the Lieutenant Governor, Mr. Sease. We appreciate your time and effort of being here.

Let me bring both of the witnesses and we will do these two bills again together here. We have H.R. 3294, Mr. Young, and also H.R. 3492, which is going to be extremely difficult if you are dyslexic, for Mrs. Lummis for that.

So I would like to bring Robert Nelson, Dr. Robert Nelson from the University of Maryland, who is parenthetically a great author. I have enjoyed reading his books, and also Aaron Pruzan, if I have

pronounced that properly, from Wilson, Wyoming, who will be talking about these two particular bills.

Let me for the sake of continuity, did you mind which order we go in these things?

Mr. GRIJALVA. Either one.

Mr. BISHOP. Well, that is kind of you. All right.

Mrs. Lummis, I would ask you if you would introduce your bill that deals with activities in wild and scenic rivers, and then we will turn to Mr. Pruzan if he would like to testify for 5 minutes about this particular piece of legislation. Then we will go to Mr. Young to introduce his legislation, and then, Dr. Nelson, if you would bat clean-up on that particular legislation, and then we will see if there any other questions that could be applicable to all three of you.

Mr. Sheaffer had the opportunity of commenting on all of these bills in his opening statement.

So, Mrs. Lummis, 5 minutes.

Mrs. LUMMIS. Thank you, Mr. Chairman.

I really do appreciate the opportunity to present legislation to provide for paddling in Yellowstone National Park, Grand Teton National Park, and the National Elk Refuge.

H.R. 3492 would remove from the Code of Federal Regulations a 60-year-old ban on paddling. Now, that ban was put in place after World War II to limit fishing. This bill's intent is to vest river management decisions in the Superintendents of the park where they can be properly considered.

This legislation is in response to the Comprehensive River Management Plan environmental assessment that was published for public comment under the Craig Thomas Snake Headwaters Legacy Act of 2009. Requests to increase paddling access were denied by the Park Service and labeled an alternative considered but dismissed from detailed evaluation, and the reasoning for that was it conflicts with existing regulations.

Mr. Chairman, I just believe the paddling community deserves a seat at the table. Organizations like American Whitewater have tried to engage the Park Service on this issue for decades, and groups like the American Packrafting Association were founded in Wyoming to represent this recreational community.

At this point, Mr. Chairman, I would ask unanimous consent to include their comments and testimony on the River Paddling Protection Act in the record.

Mr. BISHOP. Without objection, so ordered.

[Testimony of American Whitewater and American Packrafting Association on the River Paddling Protection Act follows:]

PREPARED STATEMENT OF KEVIN COLBURN, NATIONAL STEWARDSHIP DIRECTOR,
AMERICAN WHITEWATER, MISSOULA, MONTANA

H.R. 3492—RIVER PADDLING PROTECTION ACT

I am writing to voice my appreciation for the introduction of H.R. 3492, the River Paddling Protection Act, on behalf of American Whitewater and our over 5,500 members. Founded in 1954, American Whitewater is a national nonprofit organization dedicated to conserving and restoring our Nation's whitewater resources, and enhancing opportunities to enjoy them safely. Our members are primarily non-commercial and conservation-oriented kayakers, canoeists, and rafters.

Americans are prohibited from canoeing, kayaking, and rafting on hundreds, or likely thousands of miles of exceptional rivers and streams in Yellowstone and Grand Teton national parks. These paddling bans have had a profound personal impact on many Americans. Standing on the bank looking at a river is just not the same as floating down it, interacting with each current, watching the landscape unfold around you and above you. Paddling requires an intense focus not just on your path through a rapid or pool, but on the landscape, the weather, the arc of the sun—literally everything around you. The act of paddling creates rich, vivid, memorable experiences that are unique to each river, each day, and each landscape. For paddlers that live near or travel to these parks, the paddling bans have prevented them from establishing this unique connection with one of the most iconic and beautiful landscapes on earth. Many simply avoid the area. For many Americans, the paddling bans make the region a less attractive place to live, raise a family, start a business, or vacation for many Americans.

The paddling bans are based on outdated regulations from the 1950s, and have denied three generations of Americans the outstanding experience of paddling the rivers in Yellowstone and Grand Teton. These regulations were aimed at stemming rampant over-fishing, a concern now easily managed by other means without impacting those that simply want to float downstream. Today we know that both fishing and paddling can be managed in an environmentally sustainable manner with common management tools. On the vast majority of rivers across the country, no special management of paddling is needed at all. Paddlers simply park at existing parking areas, launch at bridges, hike on existing trails, and silently float downstream. With that said, American Whitewater fully supports reasonable limits on paddling and other forms of recreation to protect natural resources and their enjoyment.

It is well worth noting that the paddling prohibitions run counter to modern National Park Service policies and priorities. These policies are perhaps best summarized in the following quote from Section 8.1.2 of the National Park Service Management Policies manual:

To provide for enjoyment of the parks, the National Park Service will encourage visitor activities that: are appropriate to the purpose for which the park was established; and are inspirational, educational, or healthful, and otherwise appropriate to the park environment; and will foster an understanding of and appreciation for park resources and values, or will promote enjoyment through a direct association with, interaction with, or relation to park resources; and can be sustained without causing unacceptable impacts to park resources or values.

Paddling meets all these standards perfectly, and is indeed supported across the National Park System. The National Park Service is an outstanding partner in river management and protection. The issue addressed by H.R. 3492 is endemic to only Yellowstone and Grand Teton National Parks, and is distinct from the otherwise largely exemplary management of paddling throughout the National Park System.

American Whitewater recently requested that Grand Teton and Yellowstone national parks consider allowing non-commercial paddling on several newly designated Wild and Scenic Rivers that are within their borders. The parks refused, stating that paddling was prohibited by Federal-level regulations that were beyond their control. These parks claim to not have the discretion to manage paddling commensurate with other activities. As far as we are aware, all other parks have this discretion, and these antiquated Federal-level prohibitions are a regulatory anomaly.

The River Paddling Protection Act, under Sections 2(a)(1) and 2(a)(2) would restore management authority over paddling to the park managers. We believe that this is a worthy and necessary goal that would set no precedents nor in any way limit the National Park Service's authority. In fact, we believe it would eliminate a bad precedent and restore standard National Park Service authorities. We fully support this language.

American Whitewater believes that outdoor recreation and conservation are two sides of the same coin. Our Nation's great conservation leaders each had a direct connection to the outdoors through recreation; be it hunting, hiking, mountaineering, paddling, or something else. Future leaders will also without a doubt draw on these same experiences for inspiration. Direct experiences on wild and natural rivers forge a strong stewardship ethic among paddlers. In short paddlers care about rivers and want to see them protected. It is thus imperative that the authority of the National Park Service to preserve the natural resources of Yellowstone and Grand Teton national parks remain unaffected by this legislation. If Congress determines that H.R. 3492, as written, affects these authorities we welcome the opportunity to discuss and endorse friendly amendments.

Specifically, if the statement “and the Secretary of the Interior may not issue substantially similar regulations that apply to hand-propelled vessels” in Section 2(a) is determined to limit the National Park Service’s ability or authority to manage paddling commensurate with other similar uses, using the full suite of management tools and following Agency protocol, then we ask that the language be struck, modified, or clarified to meet the interests described above.

It is no secret that past park managers have valued the paddling bans as part of the unique tradition of managing Yellowstone and Grand Teton. Paddling rivers through these iconic landscapes has a long and storied history involving early explorers as well as famous conservationists like Olaus Murie. It is not a new use; it is an old one, and the 60-year ban is but a blink in the cultural history and future of Yellowstone. The paddling bans are not a tradition of the American public, and the American public needs opportunities for a direct connection with nature more than ever.

We trust that the current park managers, in the absence of the Federal-level prohibitions, will prioritize healthy and sustainable outdoor recreation, and restore Americans’ opportunities to float rivers within the parks. We believe that Yellowstone Superintendent Dan Wenk and the incoming Superintendent of Grand Teton will be up to this challenge, and look forward to working with them to implement positive changes in the management of the parks they oversee.

As a final matter, National Elk Refuge managers have recently decided that paddling is not compatible with the purposes of the Refuge. We question this decision, and the Refuge offered no analysis to support their position. H.R. 3492 seeks to remedy this arbitrary determination by declaring that paddling is one of the priority “wildlife-dependent” activities on the National Elk Refuge. This declaration however, would alter or subvert system-wide organic legislation and have no practical effect. Subject to governing rules and laws, the U.S. Fish and Wildlife Service may choose to prohibit paddling or allow it whether they view it as a wildlife-dependent activity or not. Their regulations allow for non-wildlife-dependent recreation, including paddling, under many circumstances. While we believe the U.S. Fish and Wildlife Service is arbitrarily excluding the public from floating rivers in the Refuge, we can see no appropriate legislative remedy for this unsupported Agency perspective. We ask that Section 2(b) be struck or substantially modified based on these concerns.

The River Paddling Protection Act is an essential step in restoring the same management authorities and mix of potential recreational opportunities that exist in other National Parks to Yellowstone and Grand Teton. We recognize that the bill will be discussed at length, possibly improved upon, and fully vetted. We look forward to being an active participant in this process. I welcome questions and feedback regarding this testimony.

Thank you for considering the interests of the many Americans who deeply value the opportunity to paddle wild rivers.



"At the water's edge...just keep going"

American Packrafting Association

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TO: Subcommittee on Public Lands and Environmental Regulation

RE: River Paddling Protection Act (H.R. 3492)

November 19, 2013

Dear Congressmen Cynthia Lummis, Chairman Rob Bishop, and honorable subcommittee members:

On behalf of our 550 members, we would like to thank you for your interest in protecting the rights of paddlers on public lands and introducing the River Paddling Protection Act. The American Packrafting Association (APA) was founded in 2012 to represent the packrafting community on issues of conservation, education, safety, and access. Packrafts are backpackable one-man inflatable boats often used for river travel in the course of a backpacking trip, allowing creative trip itineraries that combine hiking and floating across a landscape.

We hope H.R. 3492 will grant packrafters and other paddlers an opportunity to experience the amazing rivers of the National Elk Refuge (NER), and Yellowstone (YNP) and Grand Teton (GTNP) national parks while preserving the natural wonders that make those places so desirable. Our primary intention in the nine points below is to help convince subcommittee members of the validity and importance of this measure, while expressing some concerns that we hope will be addressed in the bill's drafting.

1. **Paddlers Are Stewards:** The American paddling community has proven itself as river stewards through individual efforts and organizations such as American Whitewater, American Canoe Association, and American Packrafting Association by working for decades on river conservation and responsible paddling nationwide. Paddlers continued this tradition by collaborating with Federal officials to designate the headwaters of the Snake River as *Wild and Scenic* in 2009. We look to H.R. 3492 to provide a new platform for paddlers and land managers to partner in stewardship of YNP, GTNP, and NER.
2. **Legislating Wilderness?:** As devoted members of the conservation community, paddlers have tried for 25



years to engage in a collaborative process with YNP and GTNP. Campaigns, meetings, thousands of comment letters to the individual Parks, to NPS regional and national offices, and to stakeholders throughout the Greater Yellowstone region have all been met with cold rejection of paddling in the Parks. Legislation is indeed a necessary next step toward resolution.

3. **Environment First:** Our primary concern at APA is protecting wildlife, lands, and ecosystems. We also believe that there is room for paddlers alongside other approved uses of the river corridors without appreciable additional impacts to those resources. H.R. 3492 must ensure that land managers continue to have recourse in the protection of wildlife, lands, and ecosystems.
4. **Opportunity to Connect to Nature:** YNP, GTNP, and NER have numerous world-class paddling rivers that would provide an intimate and exhilarating low-impact wilderness experience for all levels of ability. Few would argue that these Parks would rank among the world's best paddling venues. Also, packrafts are a critical tool for safe river crossings during spring runoff, but this use is prohibited. Passage of H.R. 3492 would end a longstanding impediment to safe river crossings and a very low-impact form recreation on our public lands.
5. **NPS Precedence:** Several National Parks, such as Denali, Grand Canyon, and Canyonlands, have embraced packrafting in particular as a management tool for Park administrators and a recreation tool for visitors. Other Parks, including Dinosaur and Glacier, are currently working to implement recreational packrafting management plans. We look to H.R. 3492 to empower YNP, GTNP, and NER with tools to do the same.
6. **A Little History:** YNP banned paddling in the 1950s to protect fisheries, but never looked at ways that the fisheries could be protected without an outright ban on paddling. Moreover, they did not consider at that time that many river paddlers would want to float the rivers without fishing. Even in a 1988 report, paddling was excluded from the spate of sanctioned Park activities in river corridors with no scientific justification. We hope that H.R. 3492 empowers YNP and GTNP staff to analyze and implement paddling regulations that provide recreational opportunities while protecting these treasured environments.
7. **Wild and Scenic Law:** Following the Snake River Headwaters Legacy Act of 2009, YNP, GTNP, and NER were required by Wild and Scenic law to include an analysis of paddling in a river management plan, but neglected to comply, erroneously concluding that Secretarial CFRs override Wild and Scenic law. We hope H.R. 3492 will clarify that Wild and Scenic law actually takes precedence in this case.
8. **Paddling on NER:** We agree that paddling has a place in the National Elk Refuge, fairly evaluated and managed alongside other human-powered forms of recreation. However, members of APA treasure our National Wildlife Refuge System and want to be sure that any legislation that intends to give paddling equal ground in the NER does not unintentionally change the management of the entire refuge system. As it is worded, we are unsure if this legislation could have broader, unintended effects.



9. **Paddling Is Cheap and Easy:** Depending on how paddling is managed, little or no additional infrastructure or capital expense would be needed to accommodate paddlers. H.R. 3492 is not about big rafting expeditions with large boats and groups of people. River paddlers are small parties seeking hike-in access from existing trailheads and under existing backcountry permit systems. No new boat ramps, restroom facilities, or additional construction will be necessary or requested to integrate paddlers into the list of sanctioned Park activities.

In conclusion, we believe Congressmen Lummis and Bishop have drafted a very simple and clean legislation that frees Yellowstone, Grand Teton, and the National Elk Refuge to engage in required analyses and manage recreational paddling in a way that protects the environment and the visitor experience.

Thank you,

Brad Meiklejohn
President, American Packrafting Association

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Mrs. LUMMIS. Thank you, Mr. Chairman.

These groups, of which many were instrumental in designing the Snake River Headwaters as wild and scenic, expected the new management plan for those rivers to include a public discussion on the benefits of paddling. What H.R. 3492 would allow for is simply that discussion.

This bill does not prohibit Park Superintendents from proposing park management plans on paddling or restricting access in their annual compendiums. It does, however, remove the Federal regulatory prohibition on paddling that has been cited as a reason for not doing a detailed evaluation.

Now, there may be ways to improve on this bill as written, and I will continue to work with the Park Service and the Fish and Wildlife Service to clarify its provisions. I can attest that local rafters like Aaron Pruzan, our witness today, are looking for a balanced solution to river access.

And I want to welcome Aaron to Washington and to this panel. Aaron is the owner of Rendezvous River Sports and Jackson Hole

Kayak School. He is a long time advocate for stewardship of the rivers and one of the community leaders on the Craig Thomas Snakehead Waters Legacy Act. He loves paddling as an outdoorsman, as a business owner, as a guide, a coach, and as a father.

Aaron, I look forward to hearing your testimony today. Thank you for being here. Welcome.

Mr. Chairman, I yield back.

Mr. BISHOP. Thank you.

Mr. Pruzan, you are recognized for 5 minutes as well to give us your testimony.

STATEMENT OF AARON PRUZAN, WILSON, WYOMING

Mr. PRUZAN. Thank you very much, Mr. Chairman and Ranking Member Grijalva. I appreciate the opportunity to be here and speak before you, and thanks to the rest of you who are here as well.

Representative Lummis gave me a great introduction. So I will not go on further, and I have submitted testimony. So you are welcome to read all of that.

You know, over the years I have introduced thousands of people to the sport of paddling. It has been my life, and I will say that the river running community and paddlers in general are great stewards of the resource that we enjoy, and my own work on river stewardship in the Jacksonville area is extensive. I was one of the founding board members of the Snake River Fund, which is the river stewardship organization in northwest Wyoming, and we created one of the first nonprofit and public partnerships that exist and one of the only nonprofit partnerships that exist where we actually help the U.S. Forest Service manage the Snake River through Jackson Hole with private donations and funding from outfitters.

I was also instrumental in taking a leadership role in the Craig Thomas Snake River Headwaters Legacy Act, which protects over 400 miles of the upper Snake River Watershed. It was a groundbreaking Act in that it took a watershed approach to conservation.

And you know, when the management plan came forward, we thought this was a great opportunity to look at paddling again. I will note that even though I am in the commercial outfitting business and I do have a retail store, I am not here representing my own commercial interests or any commercial interests. I am here representing the thousands of paddlers from our region and tens of thousands of paddlers beyond that are interested in paddling in Yellowstone National Park.

And the fact is that this boating ban as Representative Lummis pointed out is extremely outdated. It was initially intended to prevent overfishing. They did not want float fishing on these rivers because the fishery in Yellowstone was in trouble in the 1950s.

And it did not really look at the unforeseen consequence of the fact that these are great recreational rivers for paddling and other low impact uses, canoeing, small rafts, et cetera. So it is outdated, and it really needs to go.

When we have tried to have discussions with Park Service people at the regional and local level, we have pretty much been

stonewalled by the fact that this paddling ban exists. So if it is gotten rid of, then we would at least be able to have that discussion.

And we know because there are many great examples throughout our region that paddlers can access these rivers and enjoy this resource without any harm to the resource. Many other rivers in the region are managed successfully. For instance, the Selway River only allows one launch a day during the season, but paddlers understand that, and they realize that access to that river is very special, yet you can get access. Whereas the rivers of Yellowstone are completely shut off to access and many of the rivers of Grand Teton are as well.

So we are not asking for any additional facilities to be built. Parking areas, trails to the rivers already exist. This could be done in a very inexpensive fashion, would not cost a lot of money, and is a great form of recreation, again, human powered recreation.

When you look at Yellowstone, I mean, it is a sad fact most people enjoy Yellowstone from the seat of their cars. I mean, they just do. It is a roadside park. Very few people ever get away from the boardwalks, and you know, here we have from the highest Federal levels a mandate to get people outside, get people recreating, get people enjoying the outdoors.

I have taken part in listening groups in the past with Forest Service and Park Service personnel saying, "What are the impediments to outdoor recreation?" Well, this is a big one that is outdated and it would be easy to get rid of. It is a great way to enjoy the outdoors. It is a healthy activity that is extremely low impact to the environment.

We understand and I have had many conversations with my colleagues in the conservation community about this bill already, and we understand that the language needs to be tightened up, and I will say it is vitally important that the final language of this bill be very specific to ending the antiquated boating ban in Yellowstone and Grand Teton and this bill not be misconstrued or set a precedent that may apply to other parks or other uses in the future.

We are not looking to take away management responsibility from the Superintendents of Yellowstone and Grand Teton. We are looking to give it back to them, and by passing this bill, that is exactly what it will do.

And I just want you to know if you do not have one of these currently in your wallet, if anybody in the room does not have one of these in their wallet, it is an incredible value. For a very low cost and no interest rates, you can get a National Parks pass, which gets you into all 400 parks in the Nation, and look at what is on the cover of the pass. It is a kayaker going through rapids. So it is an accepted activity in most parks and many wilderness areas.

Thank you very much.

The prepared statement of Mr. Pruzan follows:]

PREPARED STATEMENT OF AARON PRUZAN, WILSON, WY

CONCERNING H.R. 3492, RIVER PADDLING PROTECTION ACT

I am Aaron Pruzan and I live in Jackson Hole, Wyoming with my wife Tamsen and our three children, Noah, Nate and Neve. As a retailer, instructor, guide and coach I have introduced thousands of people of all ages to the joy of paddling rivers

since I began my career in 1993. In 1995 I started Rendezvous River Sports and Jackson Hole Kayak School, a retail sales and outfitting destination which quickly became the hub of paddling activities in Wyoming. I am very fortunate that I have turned my passion for river running into my career and can share that passion with so many people from all walks of life.

In 1996, in response to the youth skiing community wanting more summer activities, I founded the Jackson Hole Kayak Club to give the opportunity for kids in the Jackson Hole area to understand and experience the waterways of the Greater Yellowstone Ecosystem. Since that time I have taken generations of young kayakers—now including my own kids—to rivers throughout the West to enjoy healthy outdoor recreation.

In 2009 I began working with Teton Adaptive Sports to provide free adaptive paddling opportunities for special needs kids and adults. In addition we provide free paddling and rafting programs for Honoring Our Veterans, which facilitates outdoor experiences for returning veterans and wounded warriors. We have worked extensively with the City Kids Wilderness Project which gives inner city kids from Washington, DC the opportunity to experience the rivers and mountains of Wyoming.

Over the past three decades I have enjoyed paddling in many spectacular places as a team member on numerous whitewater expeditions, exploratory descents and in individual kayaking competitions. This includes exploratory river running in Wyoming, British Columbia, Chile, Argentina, New Zealand and Siberia.

Paddling has fostered in me, as it has in others, a deep sense of stewardship for the rivers I experience. I have worked extensively for river stewardship as a founding board member of the Snake River Fund and a board member of American Whitewater. This work included being one of the leaders of the Campaign for the Snake River Headwaters. Through this 6-year process I worked with numerous conservation organizations, hosted planning meetings at my store, met with landowners, presented the campaign at public forums and helped build lasting partnerships between different river users and political affiliations. This culminated in 2009 with the passage of the Craig Thomas Snake River Headwaters Legacy Act, which protects 400 miles of the upper Snake River and was one of the largest conservation measures in Wyoming in many decades.

In 2010 I spearheaded the special excise tax funding proposition which was approved by voters in Teton County and provides funding to facilitate the transfer of riparian lands from the Bureau of Land Management to Teton County for river access and preservation. I am currently working to complete this process with the addition of private lands and the creation of riverside parks and access points at South Park, Wilson and Hoback Junction on the Snake River in Jackson Hole.

As a current member of the Jackson Hole Travel and Tourism Board I am working to promote outdoor recreation and sustainable travel. Jackson Hole and the Greater Yellowstone Area are a national treasure and we are working to be a world leader in sustainable tourism as well.

I have traveled to Washington, DC twice before. Both times were to meet with our Wyoming Members of Congress to advocate for the Land and Water Conservation Fund. LWCF funding is very important to Wyoming as LWCF funds have been used to acquire valuable lands in river corridors, with more riparian lands targeted for purchase via LWCF in the upcoming year.

While I make my living sharing rivers with people, I am not testifying on behalf of my own or anyone's commercial interests. I am testifying on behalf of the many people that cherish the opportunity to experience rivers and special places in their kayaks, canoes, and rafts. This is a community of people that have a deep land and river stewardship ethic and a strong connection with the natural world. Through nearly every aspect of my life I am part of that community, and it is an honor to testify on their behalf.

The rivers of Jackson Hole are one of the main reasons many visitors come to our area. This is part of a long tradition; river running was one of the original and primary means of travel throughout the West. Today, whether using traditional hard shell kayaks, inflatable kayaks or pack rafts (small one-person rafts that fit in a backpack) paddling down a river is still one of the most enjoyable and low impact ways to experience the outdoors. A day paddling on the river offers an almost magical connection with the landscape and the water, and different stretches of river offer something for everyone, from floating tranquil waters flowing through quiet canyons to the rush and roar of rapids and the challenge of paddling whitewater. Paddling teaches skills and awareness, fosters an appreciation of nature and protected areas, and is truly a lifetime activity enjoyed by all ages.

There is a current push from the highest levels of government to get more people outside and involved in fitness activities and specifically outdoor recreation. My staff and I are actually doing that all summer long by getting kids and adults away from

their computers, tablets and smart phones and out on the water paddling. In this over-stimulating era, rivers require kids and adults alike to focus on natural forces and the natural world, to calm their minds, and exercise their bodies. It is exactly the type of activity that our National Park System was set up to support.

In the late 1920s the great conservationist Olaus Murie embarked on a canoe trip on the Upper Yellowstone River with his two sons. Reflecting on the experience in his book *Wapiti Wilderness*, he wrote: "When you go into country by pack train the streams are only for crossing, or to camp beside. To know a stream you travel on it, struggle with it, live with it hour by hour and day by day."

I am very fortunate to have gotten to know many rivers while kayaking with my own family, my 6- and 8-year-old boys in their kids kayaks, my 4-year-old daughter in the front seat of my tandem with me and my wife paddling alongside. River running is an incredible family activity, it provides endless excitement and is something real we all share together that is an experience far beyond anything that a TV, video game or amusement park can offer. Unfortunately though, I am forbidden from replicating Olaus Murie's trip, or taking my family on any river trip in Grand Teton or Yellowstone National Park except for on portions of the Snake and Lewis rivers. The National Park Service forbids floating all other rivers in these parks.

As someone who has paddled many of the world's most formidable whitewater rivers, as well as many that are perfect family floats, I can attest that Yellowstone and Grand Teton National Parks offer some of the best paddling opportunities in the World for all abilities. Not only would the rivers themselves offer wonderful rapids, currents, and pools, but floating quietly through these areas and taking in the unique scenery would be an experience of a lifetime for many people. It would give Park visitors a truly wild experience of a very special place.

Visitors to our area often ask incredulously why these rivers are closed. The history of the boating ban in Yellowstone and Grand Teton dates back to the 1950s and was solely intended to curb the overfishing that plagued the Parks. This resulted in the unforeseen consequence of banning future access to rivers and streams for enjoyment by paddling. Even though rivers like the Yellowstone had been paddled, the high value of the river recreation resource that exists in both national parks was not envisioned 60 years ago. This ban lives on, while in other national parks and wilderness areas paddling is a regular activity (check out the kayaker on the latest National Parks Pass) that is managed in a simple and sustainable manner.

To live so near to these amazing rivers and yet be unable to experience them is a constant frustration for me, many other residents of the area surrounding the Parks, and many visitors. Many of our students and kids that I coach strive to be able to run rivers like the Yellowstone and have trouble understanding why the boating ban still exists. They simply can't understand why floating a river should be a crime in these parks, while it is supported as a great way to experience the natural world virtually everywhere else.

Despite efforts over the years by American Whitewater to have boating managed like other similar activities in these parks—the ban persisted. With the 2009 Wild & Scenic designation of the upper Snake River and its tributaries—which includes several rivers in Yellowstone and Grand Teton National Parks—a new river management plan was required and thus a new opportunity to consider suitable uses for the resource. Again despite a flood of comments in favor of paddling, including recommendations by river stewardship organizations that paddling be considered, and the requirement by law that all kinds of use be looked at, paddling was explicitly excluded from the draft Comprehensive River Management Plan. The authors of the plan cited the unusual 1950's Federal regulations that ban paddling, claiming that these rules made considering paddling a moot point, since they were forbidden from allowing the activity. Park managers do not have the discretion to manage these Parks consistent with modern National Park Service policies, priorities, and practices because of these outdated and unusual Federal rules.

It is clear that these 1950's regulations are outdated and the National Park Service needs to manage with modern methods and standards. Yellowstone visitors no longer watch the bears at open dumps, the National Park Service no longer stock exotic fish or engage in other outdated management practices. Changes to park management can improve visitor experiences and natural resource protection. The paddling prohibitions in the Park need to change.

While I do not feel that opening every river all the time in both parks is the correct course of action, I support the active management of paddling in Yellowstone and Grand Teton and feel there are many stretches that can be opened with minimal impacts. There is already a boat registration system in place for both parks and all non-motorized boats are required to have a permit. Boat registration requires a fee, is a source of revenue for the parks and provides boaters with the park boating regulations. Backcountry use is already tightly controlled and paddlers would need

to adhere to current regulations as hikers and back packers do. There are also numerous simple templates for river management from other western rivers that flow through sensitive areas which would allow paddlers to be easily, cheaply, and sustainably managed just as hikers are.

It is important to recognize that managers have many tools to manage paddling and other forms of recreation. This is not an all or nothing issue. The paddling community appreciates and supports well-supported limits on river use and here again, there are many great examples of river management from popular rivers in the region like the Middle Fork of the Salmon, the Selway, Yampa or Green. Furthermore there is no need for additional infrastructure to facilitate paddling. Trails and parking already exist for access and kayaks or pack rafts can be easily carried.

I realize that legislation regarding management issues, like litigation, is a last resort and it should only even be considered when there has been a dramatic failure in the administrative process. The 60+ year paddling ban, and recent refusal to consider paddling, is evidence that just such a failure has occurred in Yellowstone and Grand Teton. I do not like the idea of legislating this issue, but given that antiquated Federal rules are preventing modern management planning, the paddling community is at a loss as to how else to move forward.

In this case, the NPS feels they are constrained by roughly 60-year-old Federal regulations that are no longer serving their purpose. It makes sense to grant the Parks the discretion to manage with the full suite of modern management tools. By getting rid of the boating ban, an old regulation that ties the hands of the current park managers, it is not taking away the authority to manage but rather restoring it. We greatly appreciate Representative Lummis for seeking to remedy this problem with the River Paddling Protection Act, and would likewise consider any ideas the National Park Service may offer.

In discussions with my colleagues in the conservation and paddling communities about this legislation, it is evident that regardless of what Congress does concerning this issue, the National Park Service must retain their typical discretion to protect the natural resources of the Parks through fair, reasonable, and well justified limits on all forms of recreation, including paddling. The paddling community is not seeking special treatment. Paddlers simply want to be considered like other similar low-impact, human-powered, wilderness-compliant visitors. Likewise, we do not seek priority over the preservation of natural resources. Quite the opposite, we feel strongly that the conservation of natural resources should be granted priority over all forms of recreation. We are confident that the parks can support sustainably managed paddling opportunities in concert with other existing similar uses.

It is also vitally important that the final language of this bill be very specific to ending the antiquated boating ban in Yellowstone and Grand Teton and that this bill not be misconstrued or set a precedent that may apply to other parks or other uses in the future.

When we consider human-powered recreation, particularly in a Nation that is currently striving to improve the fitness of our citizenry, it is a sad statement that the vast majority of all visitors to Yellowstone experience the park only from their cars, as a roadside attraction. Most rarely venture beyond the boardwalks. Getting people outdoors and out of their cars is important. Whether it is this legislation, a modified version, or NPS action, it is important to encourage the sustainable and healthy exploration and enjoyment of our Parks via ancient, fun, and low-impact means.

Both Yellowstone and Grand Teton National Parks have highly adept land managers as their Superintendents. Both the departing Mary Gibson Scott of Grand Teton and Dan Wenk of Yellowstone have years of experience dealing with challenging management issues. I ask that you help them with this issue by ending the boating ban and allow both parks to welcome Americans to once again experience two of our Nation's most prized National Parks through sustainably managed paddling.

I encourage you to move forward with the River Paddling Protection Act. The bill would address a very real problem that has hindered healthy outdoor recreation for decades. I hope this bill continues to be vetted, discussed, and if needed improved to meet the conservation and recreation goals I have outlined in this testimony.

Thank you for the opportunity to provide this testimony and to appear before this subcommittee. Please feel free to contact me if you have any questions.

LETTERS SUBMITTED BY AARON PRUZAN FOR THE RECORD

TETON ADAPTIVE SPORTS,
OCTOBER 1, 2013.

Aaron Pruzan
Rendezvous River Sports
P.O. Box 9201
Jackson, WY 83002

Dear Aaron,

Thanks so much for your support again this summer of Teton Adaptive Sports' Adaptive Paddling Program. Your donation of instructors, kayaks, stand up paddleboards, and accessories for our 2 adaptive paddling days on String Lake was a value of \$2800.00. Your generous gift provided boating opportunities for over 35 individuals with disabilities, along with family members, and volunteers. Your continuing commitment to our community is greatly appreciated. TAS Adaptive Paddle Days are by far the most popular outings we offer. We could not offer these experiences without your help. No goods or services were exchanged for this donation.

Best regards,

KURT HENRY,
Executive Director.

HONORING OUR VETERANS,
MORAN, WY,
NOVEMBER 18, 2013.

Honoring Our Veterans has been offering OEF/OIF combat wounded veterans rehabilitative/recreational therapy in Jackson Hole, Wyoming since 2008. To date, we have helped 106 combat wounded Marines, Soldiers, and Navy Seabees heal and move forward with newfound confidence and hope. We are able to offer these programs through the partnerships we have built with businesses and organizations that have expertise in outdoor recreation. The instruction and guidance of Rendezvous River Sports is critical to our ability to operate.

We offer four weeklong sessions each year. One of the most popular is the Water Sports Therapy Session. Rendezvous River Sports/Jackson Hole Kayak is the key player in the creation and implementation of this program. Each Water Sports Therapy session consists of seven to ten combat wounded warriors. Through the generosity of Rendezvous River Sports, we offer our most popular activity; an instructional rafting day on the Snake River. In addition to rafting, we also offer an instructional paddle day on String Lake in Grand Teton National Park. The special use permitting process enables us to utilize Grand Teton National Park in this manner. Rendezvous River Sports does such a good job caring for our important water resources, and with the quality of their instruction, the Park is always happy with how we conduct our sessions.

We find the wounded veterans we can help by working with the different VA Medical Centers from across the country. We also work with Brooke Army Medical Center's Warrior Transition Unit and the Marine Corps Wounded Warrior Battalion Detachment West.

Honoring Our Veterans is grateful to have the support of Rendezvous River Sports. Without their involvement and continued dedication to our wounded veterans, we would not be able to offer these important healing programs to our Nation's heroes.

Thank you!

SANDRA BOCKMAN,
Executive Director.

JACKSON HOLE KAYAK CLUB,
JACKSON, WY.

TO WHOM IT MAY CONCERN:

The Jackson Hole Kayak Club is very excited about a potential lift of the historic ban on boating in both Grand Teton National Park and Yellowstone National Park. The Jackson Hole Kayak Club is a non-profit organization based in Teton County Wyoming that provides youth the opportunity to safely enjoy the waterways of the Greater Yellowstone area through youth programs, competitive events, conservation and education. The JHKC has been teaching youth how to paddle since 1996, and the hundreds of alum will attest that the JHKC programs teach more than just learning how to kayak. The programs teach a love of the outdoors, a passion for conservation, and a deep respect of both the power and beauty of our natural rivers.

Our coaches and athletes are all enthusiasts who have dedicated part of their lives to follow their passion for paddling. This passion has taken many of our athletes and coaches around the world to explore new rivers, yet we are not allowed to explore the two national parks with amazing whitewater opportunities in our backyard. The historic boating ban is outdated. It is time to update the regulations so they reflect the actual impacts of paddling on the rivers.

Paddling is a very low impact activity used by the first explorers to the Greater Yellowstone region. It is potentially the least impactful way of traveling through an environment because boaters leave no trace on the water. The Jackson Hole Kayak Club feels strongly about conservation, and wants to protect the natural state of the rivers in all of the National Parks. That is why we feel it is important for the NPS to manage each river based on its potential user impacts and regulate use based on these impacts.

The Jackson Hole Kayak club believes that paddling is a healthy activity that deserves the same management plan considerations as any other recreational activities in the park. We hope to see the outdated ban lifted and new science-based regulation put into place. The youth of our community and the country will greatly benefit from these decisions. Thank you for your consideration in passing the bill to remove the boating ban in GTNP and YNP.

Sincerely,

JONATHAN SOUTER,
President of the Jackson Hole Kayak Club Board.

Mr. BISHOP. Thank you.

I suppose he gave the fish back when he got done with his kayaking, right?

Mr. Young, I would ask you if you would introduce to us now the other number that was the same except the numbers reversed, H.R. 3294, if you would please.

Mr. YOUNG. Thank you, Mr. Chairman. I appreciate you and the Ranking Member for holding this hearing and this legislation, and all of these pieces of legislation.

The purpose of this legislation is to jumpstart a discussion about the failure of our Federal land management agency to officially manage our public lands. Further, this bill suggests an alternative management regime that would provide State management agencies an opportunity to do better.

Time and again before this committee we have heard testimony from Governors' State managers about their continued ability to outperform their Federal counterparts. States have a proven record of success in managing public lands. For example, Alaska manages an array of wildlife resources and their habitat, as well over three million acres of State parks, forests, historic sites, and networks of trails and public use cabins, et cetera.

Regardless of the perspective of my proposed solution, I think we can all agree that Federal management is both expensive and it is not working well. H.R. 3294 would allow the Federal Government

the ability to manage Federal lands through cooperative agreement with the States after they provide 50 percent cost share of the management cost.

Again, I thank you for this, Mr. Chairman. May I say respectfully for the Park people, you run your parks terribly, especially in Alaska. You run them for the tourists and the Park Service people. You prohibit Alaskans from using the parks for what they were originally intended for: hiding, not without a permit; hunting, definitely not; canoeing, paddling, no, because you cannot get a permit.

And you have money being spent, and we are working on this, money being spent by the billions of dollars on the Park Service for Taj Mahal tourist centers, for big park headquarters, for workers who do nothing but prevent Alaskans from enjoying that land that was God-given to them, and the Forest Service is equally as bad. The Forest Service is probably one of the worst.

Our forests are in the worst condition they have ever been because of the Forest Service action of not managing forests: fires, pollution of the air, no management, loss of fiber, all related to the Forest Service.

Yet when I drive by a Forest Service parking lot, I see 27 brand new, Mr. Chairman, Chevrolet trucks sitting there. I see six boats, big boats, with 250 horsepower motors on them. Then I see 27 kayaks in the Forest Service's parking lot.

They are running these forests now as, I would say respectfully, as parks, that do no management at all. The Park Service has outlived its time if you keep managing it the way it is. It is for the people. It is not for the Park Service agency, wearing their uniforms with SWAT jackets on, pistols on their hips now, walking around like they are the Gestapo.

Mr. Chairman, I can say respectfully I see this government today as King George and his lords around him. Forget the servants and the serfs. American people have become the serfs because we have to respond to the agencies, and the Park Service and Fish and Wildlife, the Interior Department are fraught with not considering the people, the people that deserve a right especially in the States.

This will give the opportunity for the States to manage lands efficiently for not only tourists but for the State people that live there.

I know you are just a lower lying person here right now, but you tell your Park Service people they stink, and they have gotten worse over the years, and I have been here 40 years. I have seen what has happened to the agencies: non-acceptance of people individually. Do not bother me. I am the Park Service. Do not bother me. I am the Fish and Wildlife. I am the government. You have no right to ask me. In fact, I am going to refuse to listen to you.

That is not right. That is not the America we were built on. That is not the thing that we originally established the parks for. Go back through the history of all our parks and Teddy Roosevelt. We said on those parks we would preserve it, but hunting was allowed. You do not allow hunting on parks anymore. That is bad. You do not allow any activity by the individuals. That is bad.

But we can have our airplanes, and we can have our snow machines, and we can have our boats because we are the government. That is what is wrong with our government today. You have forgot-

ten the people because you live within the castle walls, the castle walls of King George, the President of the United States who believes he is a monarch.

Shame on America. Let us wake up to really what has happened to us. With that I yield back.

Mr. BISHOP. Thank you.

Other than that, you do not have a strong opinion.

Mr. YOUNG. No, I do have a strong opinion.

Mr. BISHOP. OK. Dr. Nelson, I appreciate you being here. I am perhaps giddy because I have enjoyed reading your book, but you are now recognized for 5 minutes to present your testimony.

**STATEMENT OF DR. ROBERT H. NELSON, PROFESSOR,
SCHOOL OF PUBLIC POLICY, UNIVERSITY OF MARYLAND**

Dr. NELSON. My name is Robert Nelson. I am a professor in the School of Public Policy at the University of Maryland, and a Senior Fellow of the Independent Institute.

From 1975 to 1993, I worked as a Senior Economist in the Office of Policy Analysis within the Office of the Secretary of the Department of the Interior, and based on this experience since the 1980s, I have written three books and many scholarly and also many more popular articles about the system of public land management by the Forest Service and the BLM. So it has given me a perspective that this particular piece of legislation is obviously, from the comments we have already heard, raising fundamental questions about the whole management regime in contrast to some of the other bills, which are quite particular in their orientation.

I am encouraged by the introduction of H.R. 3294, the State-Run Federal Lands Act. There has been a virtual consensus since the 1990s among public land experts on a bipartisan basis that the Federal land management system is not working well. The inability to deal effectively with forest health and Western wild land fire in recent years is only the most visible symptom of a wider set of public land management dysfunctions.

Major change of some kind is, therefore, desperately needed. The relationship between the Federal Government and the Western States for the management of the public lands is based on outmoded ideas that are now 100 years old. This relationship needs to be rethought in light of contemporary realities. If we can avoid partisan acrimony, H.R. 3294 can valuably help to open the discussion.

I specifically like the idea in the bill of developing a Federal-State relationship for significant areas of public lands in which the Federal Government retains the underlying land ownership and certain broad guidance responsibilities, but the main management function is devolved to new administrative units at the State level and in some cases, which is not made clear in the legislation but I think it would allow for it, even to lower levels of government, such as counties and municipalities.

I would also recommend in other cases additional forms of devolution that would make provision for giving new administrative responsibilities to non-governmental groups organized at the local level that would have a Board of Directors. This would build on the widespread development in recent years of self-organized, local ad-

visory groups in the West seeking to work with the Forest Service and BLM. This past advisory role might now shift from being merely advisory to taking on suitable direct administrative functions.

Seeking to respond to increasing evidence of public discontent, the Congress in the 1970s enacted a wave of major public land legislation, including the Resources Planning Act of 1974, the National Forest Management Act of 1976, and the Federal Land Policy and Management Act of 1976. The Congress failed, however, to resolve the large tensions between the progressive era ideal of management by government experts that still retains significant influence in a new, post-1990s concern to give non-government organizations and popular democracy a much larger decision role.

The mandated Federal land use planning from the 1970s legislation soon became bogged down in public controversy and widespread litigation. As has been the case in many areas of American governance in recent decades, the Federal judiciary stepped in to fill the vacuum. This increasing judicial role was a major factor in a radical 1990 shift in the goals of public management, the move to a new philosophy of ecosystem management focused on environmental goals, such as biodiversity, replacing the previous long-standing public land management philosophy of multiple use and sustained yield.

Ecosystem management has been no more successful, however, in providing a clear direction for public land management than the ineffective land use planning spawned by the 1970s legislation. By the 1990s, the 1970s management framework was judged a failure on a bipartisan basis at conferences and other meetings of public land experts to describe the workings of the Forest Service and BLM land management.

The most important role for the Congress at present is to create a statutory basis for opening up a much wider range of devolved land administrative alternatives and to set the terms for review and approval and subsequent oversight of these alternatives as they are put into place. There should be ample opportunities not only for State governments, but also local governments and local citizen groups to propose initiatives that involve devolved public land administration arrangements and a process by which these proposals can be fairly and expeditiously reviewed.

H.R. 3294 is an important step in that direction.

[The prepared statement of Dr. Nelson follows:]

PREPARED STATEMENT OF ROBERT H. NELSON, PROFESSOR, SCHOOL OF PUBLIC
POLICY, UNIVERSITY OF MARYLAND

CONCERNING H.R. 3294, THE "STATE-RUN FEDERAL LANDS ACT"

My name is Robert H. Nelson. I am a professor in the School of Public Policy at the University of Maryland and a senior fellow of The Independent Institute. From 1975 to 1993 I worked as a senior economist in the Office of Policy Analysis within the Office of the Secretary of the Department of the Interior. Based partly on this experience, since the 1980s I have written three books and many scholarly—and also more widely accessible—articles about the system of public land management by the Forest Service and the BLM.

I am pleased to be able to testify today on such an important subject. The public lands are an important part of the history of the United States, dating to the Louisiana Purchase, the Homestead Act and the railroad land grants in the nineteenth century and then to the creation of the Forest Service, the Minerals Leasing Act, and the Taylor Grazing and Grazing Service (a forerunner to the BLM) in the

first half of the twentieth century. The Federal lands still represent today 28 percent of the land area of the United States, including around 50 percent of all the land in the western States.

I should say at the outset that I am encouraged by the introduction of H.R. 3294, the "State-Run Federal Lands Act." For reasons that I will briefly review, there has been a near consensus since the 1990s among public land experts that the Federal land management system is not working well. The inability to deal effectively with forest health and western wildland fire in recent years is only the most visible symptom of a wider set of public land management dysfunctions.

Major change of some kind is therefore desperately needed. The relationship between the Federal Government and the western States for the management of the public lands is based on outmoded ideas that are now 100 years old. This relationship needs to be rethought in light of contemporary realities. H.R. 3294 can valuably help to open the discussion.

Especially promising is the proposal for a Federal-State relationship for significant areas of public lands in which the Federal Government retains the underlying land ownership, and certain broad oversight responsibilities, but the management function is devolved to the State level—and in some cases probably even lower to the local government level. I would also recommend in other cases making provision for devolving management responsibilities to non-governmental citizen groups organized at the local level and including a Board of Directors of the group. This would build on the widespread development in recent years of self-organized local advisory bodies in the West seeking to work with the Forest Service and BLM in hopes of overcoming some of their large management problems.

At this point I review briefly some of the history that has brought us to our current state of such deep dissatisfaction with public land management. In this long history, the management objective of the Federal Government has changed radically three times. In the nineteenth century, the goal was to dispose of the Federal lands which resulted in the transfer of 1.3 billion acres to private parties and to the States. The States themselves received a total of 328 million of these acres.

In the progressive era around the beginning of the twentieth century, the Federal goal shifted to one of making the management of the lands more efficient in the service of the public interest. As it was believed at the time, this could best be accomplished by retaining the remaining public forests, rangelands and other lands in Federal ownership for their management by government experts.

By the 1970s, there was ample evidence that this progressive-era vision was failing. Mostly trained to maximize the uses of the lands, the government experts were paying insufficient attention, many people thought, to the environmental amenities of the lands. Partly owing to the politicization of the management of public lands, leading economists such as Marion Clawson, a former director of the BLM, then located at Resources for the Future, sharply criticized the economic inefficiency of Federal land management. Others pressed for a more democratic system of decision-making that would include a greater role for public participation.

Responding to these public concerns, Congress in the 1970s enacted a host of major public land laws including the Resources Planning Act of 1974, the National Forest Management Act of 1976 and the Federal Land Policy and Management Act of 1976. At the heart of the new legislation were requirements for a more comprehensive and effective systems of land use planning for the national forests and the BLM lands, including both the writing of formal written plans and environmental impact statements.

The Congress had failed, however, to resolve the large tensions between the still influential progressive ideal of management by government experts and a new post-1960s concern to give non-government organizations and popular democracy a much larger role in management decisions. Federal land use plans soon became bogged down in public controversy and litigation. As they emerged after many years frequently in their preparation, they typically failed to provide an adequate basis for decisionmaking to address the most pressing current public land problems.

As has been the case in many areas of American governance in recent decades, the Federal judiciary stepped in to fill a vacuum. This increasing judicial role was a major factor in the third radical shift in the goals of public land management, the move to a new philosophy of ecosystem management focused on environmental goals such as biodiversity, replacing the previous longstanding public land management philosophy of multiple use and sustained yield. This shift occurred after 1990 and was closely associated with the spotted owl controversy in the Pacific Northwest and the large changes in land management that occurred there on the national forests and BLM lands.

Ecosystem management was troubled, however, by an inability to resolve fundamental tensions between the environmental goal to preserve nature in a wild state

and continuing strong public demands to put the lands to good use. By the 1990s, the word “dysfunctional” was increasingly being heard at conferences and other meetings of public land experts with respect to the workings of Forest Service and BLM land management. The strong criticisms in those days were heard on a bi-partisan basis including many Democrats such as Frank Gregg, the former director of the BLM in the Carter administration, Jack Thomas, the first chief of the Forest Service in the Clinton administration, and Daniel Kemmis, a prominent western public intellectual who had also served as a Democratic Party leader at the State level in Montana.

Congress, however, failed to address the large management problems on the public lands that were becoming evident by the 1990s. No major public land legislation has passed since the 1970s. The courts continued to play an active role but the slow and cumbersome judicial procedures often merely aggravated the public land management problems.

The Forest Service in 2002, almost in desperation, pleaded to Congress for relief from its troubled circumstances, as described in an agency published document, *The Process Predicament*, declaring that it was operating “within a statutory, regulatory, and administrative framework that has kept the agency from affectively addressing rapid declines in forest health,” including the development of explosive wood fuel buildups on many western national forests. Writing about the Forest Service, Sally Fairfax, a leading student of the public lands at the University of California at Berkeley, would ask in 2005 about “what to do when an agency outlasts its time.”

As recently as an October 2013 report, Professor Jay O’Laughlin, Professor and Director of the College of Natural Resources Policy Analysis Group at the University of Idaho, wrote that “large areas of Federal lands in the western States are currently at high risk of severe wildfire and have many insect and disease problems, indicating a significant decline in forest health and resilience,” recommending more active management measures but wondering how they might be accomplished under the existing public land management regime.

As noted, H.R. 3294, the subject of the hearing today, offers an opportunity to revisit the historic Federal-State relationship for the management of the public lands in the West. I have long proposed that the Federal lands be divided into three categories. Some public lands are of clear national significance where a large Federal role is most appropriate but I would estimate these as probably no more than 20 percent of the national forests and BLM lands.

A much larger area of public lands is of primarily State and local significance, most heavily used by hikers, ranchers, hunters and other people from the surrounding area. These are the lands for which a basic rethinking of the Federal-State relationship is most necessary. On the western public lands of mainly State and local significance, the types of decisions made are those that elsewhere in the United States would be made by State and local governments. It is difficult to understand why the Federal Government is still spending its scarce resources to decide the times and places where federally determined numbers of cows, owned by local ranchers, can be grazed. The Federal administrative costs of all this greatly exceed any Federal revenues returned by grazing fees.

Other public lands serve mainly commercial purposes such as the 57 million acres of Federal mineral rights below privately owned surface lands (about 2.5 percent of the United States). The O&C lands in Oregon, owing to their unique history, were long managed by BLM for mainly timber harvesting purposes, providing large revenue streams to local counties that are now much missed. Some of the commercially most valuable public lands might be privatized outright. This might also include an expanded program of land sales for those current public lands with a high private value for real estate and other developmental purposes, including particularly high quality sites for more intensive recreational development.

H.R. 3294 is at present an outline of a plan for rethinking the Federal-State relationships on the public lands. But the States, working with their local governments, are better positioned to make the changes in public land management that are now so greatly needed. In recent years, it has often been State governments, not the Federal Government, that have taken the key leadership roles in American government efforts to deal with key policy problems and issues.

With a greater State role, there would likely be differences in land management approaches from one State to another, appropriately reflecting their diverse State circumstances, as compared with the current one-size-fits-all Federal system. States could also learn from a trial and error process if each of them had greater freedom of land management experimentation.

It is a little known fact that the State with the highest percentage of State-owned land is New York State, equal to 37 percent of its total land. In 1894, New York State exercised its management prerogatives to set aside Adirondack Park, now

equal to 6 million acres, 2.6 million owned by the State, setting a management policy to keep these lands “forever wild” long before the wilderness concept was introduced to the Federal lands. Other eastern States with large acreages of State owned land include New Jersey (16 percent), Florida (14 percent) and Pennsylvania (13 percent), more than any western State except Alaska (29 percent). It is ironic that eastern States have often been reluctant to extend a similar prerogatives to develop their own internal State land management strategies to western States.

In proposing the administrative devolution of public land responsibilities, a useful analogy might be the establishment of charter schools in large public school systems that often serve the disadvantaged. A growing body of research from leading scholars at universities such as MIT, Harvard and Princeton is concluding that the better-run urban charter schools, free to pursue educational innovations previously unavailable in traditional public school systems, have been achieving remarkable gains in student achievement and parental satisfaction. The current Secretary of Education is among those who agree with this assessment.

Perhaps we should be similarly flexible and innovative in trying out land management innovations on the public lands that might be analogous in many ways to charter schools. Local boards of directors, like those of charter schools, could have wide latitude in hiring staff, contracting out work, and other important management matters. While H.R. 3294 is an encouraging step, there are many possible approaches to public lands administrative devolution and many details would need to be resolved for each such approach, possibly on a State by State basis.

The most important role for the Congress at present is to create a statutory basis for opening up a much wider range of devolved public land management alternatives and to set the terms for subsequent oversight of these alternatives as they are put into practice. There should be opportunities not only for State governments but also local governments and private local non-governmental groups to propose innovative devolved land management strategies and a process by which these proposals can be fairly and expeditiously reviewed at the Federal level.

The creation of the existing public land system 100 years ago was predicated on an assumption that clear goals and policies could be established for the whole Nation, including the uses of the public lands. That was the time of the American “melting pot” when common national values were taken for granted. Today, however, the American Nation has become more diverse. When core values are being contested, it is more difficult to establish nationwide goals and policies, an important contributing factor to the large current problems of Federal land management. Devolution of greater administrative responsibilities to State-level bodies would allow for greater diversity in land use goals and policies, reflecting the actual greater diversity of the United States at present.

Additional Comments on H.R. 3294

The title of the bill, “State-Run Federal Lands Act,” perhaps might be changed. Some people might read “State-run” to mean “government-run.” Also, while the States would necessarily play a prominent role in any devolution plans, other public and nongovernment groups within the State might also be significantly involved, proposing appropriate boundaries for land units, developing a plan for their devolved administration, and ending up with many of the final management responsibilities. An alternative possible title might be the “Federal Lands Administrative Devolution Act.”

Including all the Federal land agencies might be too much for one bill. It might be better to have separate bills for the national forest system and the BLM lands. The National Park System is a special case, combining national treasures such as the Grand Canyon and Yellowstone with some national park units of minor national significance. If one Federal land agency had to be chosen to pioneer new administrative devolutionary approaches, it might be the Forest Service, the oldest of the Federal land systems, and the one currently experiencing many of the most severe problems of adaptation to new land use demands and forest health.

The development of innovative proposals for public land administrative devolution does not need to be limited to State governments. Others within the State, public and non-governmental, might be able to devise their own proposed management plans and devolution strategies, perhaps submitting them directly to Federal officials and negotiating the details with these officials (with overall State approval of such efforts).

Where the State would assume the primary administrative role itself, the State would be the one to submit directly a land administration devolution plan. For example, States might propose that State trust land administrators add new management responsibilities for current Federal lands—with some arrangements provided for the allocation of some portion of the revenues from these lands to the trusts. Given the

importance of energy minerals, States might want to take direct responsibility for the devolved administration of such critically important lands through some new State administrative mechanism. (It is questionable that a game changing event such as the oil shale development of the Bakken formation in North Dakota could ever have occurred within the current federally run system of management for the public lands.)

Rather than one instrument for administrative devolution as proposed in H.R. 3294, the use of a "cooperative agreement," it might be appropriate to offer a tool kit of possible administrative devolution instruments, including separate provisions and procedures in the law for various forms of devolution to States themselves, to local governments, and to local non-government organizations. The legislative provisions could then be tailored more specifically to the forms and circumstances of each type of administrative devolution instrument.

Some State proposals for public land administrative devolution might be so large and important that they should be approved by the Congress itself (rather than the relevant Secretary). Other proposals might be more routine and could be handled within the executive branch alone. Provision might be made in the law for such a distinction and separate approval procedures established.

After administrative devolution, the Federal Government would no longer directly manage the lands. However, it would be appropriate for the Federal Government to set some certain broader goals and standards for the devolved administration. Environmental "sidebars" of performance, for example, might be established. There might be formal Federal reviews say every 5 or 10 years. In cases of severe mismanagement, the Federal Government might step in immediately to cancel the devolution agreement. Such provisions should probably be spelled out more explicitly in the legislation.

The issue of existing rights in public lands should probably be more explicitly and fully addressed in the legislation. What would happen, for example, to rancher grazing permits that traditionally have always been renewed? How much if any discretion would State, local or non-governmental administrators have in altering the terms of livestock grazing. If a non-government body took over the responsibility, for example, for administering a wilderness area, how much discretion would it have in implementing wilderness use policies?

Given the very large expenditures currently being made in the West for fire fighting, this important area of Federal-State relations probably should be addressed specifically in the legislation. How would fire fighting responsibilities be handled for newly devolved administrative units? How would the costs be shared? What would be the continuing Federal Government role in fire fighting in the West?

It might prove difficult to fully resolve some of these issues on a general basis in a short time. The first steps of public land administrative devolution thus might have to occur more incrementally. Perhaps somewhat in the manner of a wilderness designation approval package, State governments might be authorized to put together packages of administrative devolution plans for specific areas and specific kinds of devolved administrative bodies, and to submit these to the Congress for its negotiation and approval on a State by State basis.

Mr. BISHOP. I thank you.

And I will turn to the committee for questions of any of the witnesses. Mr. Young, do you have questions?

Mr. YOUNG. Mr. Nelson, I have read your testimony, and of course, you are speaking my language, and I do appreciate that because a Park Service, bless your heart, and a Fish and Wildlife and a BLM have done a terrible job of management, period, and communicating with one another.

This bill is just a thought frame. I like that you brought up the fact it may not just be the State. There could be local. You are thinking local counties or boroughs or something being involved.

Dr. NELSON. And even non-governmental organizations.

Mr. YOUNG. It would be non-government?

Dr. NELSON. You could think of it as like a charter school, but on a national—so the charter school is still in a framework of public education, but it is independent in terms of hiring and firing

and all kinds of other things, and it has a Board of Directors, and so you could have something like that on the public lands, I think, and it would be a way of opening the whole system up, but without trying to take on the fundamental challenge of the whole question of Federal land ownership in the West, which is so contentious that if you challenge that, it would immediately become completely polarized.

Mr. YOUNG. Well, under my bill, I do not propose that they relinquish the ownership, but they relinquish the management.

Dr. NELSON. Right.

Mr. YOUNG. So it is more of a party.

Dr. NELSON. I am agreeing with your bill in that respect, but you are proposing mostly to do it through cooperative agreements.

Mr. YOUNG. Yes, yes.

Dr. NELSON. It is not really clear, but it sounds like reading your bill that you are thinking that it is mostly going to be cooperative agreements between the State and the Federal Government. And I am suggesting going beyond that and allowing, you know, arrangements for counties and municipalities, but even going beyond that and creating things that would be a public land equivalent of, say, a charter school. That is, it would have a Board of Directors. It would maybe have recreationists and environmentalists, economists and whatever. It would still be within the public framework, and it would still get some public money, but it would be free of many of the limitations of public land management that exist at present.

Mr. YOUNG. Well, I am glad he brought this up, Mr. Chairman, because in our areas in Alaska, again, it is the management of the parks with no input from the local people, period. In fact, we moved the one park lady there because she was totally obnoxious, moved her out because no input, and yet the Native corporations, which are adjacent to and around these parks, they do not hire anybody out from Alaska, you know, and let them be part of the management system where they are ignored now, and yet they have been living there for centuries, and they have the expertise to do it.

This is what I envision so that there is more of an understanding what the parks are for.

Dr. NELSON. If I could.

Mr. YOUNG. Yes.

Dr. NELSON. So for a suitable national park unit in Alaska, you could envision a system where there would be a Board of Directors appointed to oversee the management of that national park. The hiring process would be freed from the standard bureaucratic Civil Service that makes it extremely difficult and it takes forever and so forth.

Contracting would be freed from the normal Federal contracting rules. You would be freed from some of the normal environmental impact statement requirements and land use planning, which are mostly just an invitation for litigation. But it would still be a national park.

And so the Board of Directors of the national park would hire the supervisor of the national park. So that person would be hired through this. The Board would be the representative board involv-

ing various affected parties, but it would basically be mostly local people or State people.

Mr. YOUNG. And this is what I am looking for.

Mr. Chairman, I know I have got letters from the park conservative group and the park agency itself, but the system is not working.

Dr. NELSON. I think there is general agreement. I mean, frankly I have been going to conferences for 20 years, and not as many recently because not that much has been happening, but people have been saying, very well recognized scholars, people who study the public lands, former public land administrators. I mean even I have been in a conference with Jack Ward Thomas and, you know, not a Republican. He would not use your language, but he would basically say the system is not working, and the Forest Service says the system is not working.

So there is agreement on that. The question at this point is: how can we get past the gridlock and the partisanship and everything else when there actually is substantial bipartisan agreement out there that the current system is not functioning.

Mr. YOUNG. Thank you.

Mr. BISHOP. OK. Thank you.

Mr. Grijalva.

Mr. GRIJALVA. Thank you.

Mr. Chairman, if there is no objection, three communications, National Parks Conservation Association (NPCA) on all of the legislation before us; Greater Yellowstone Coalition; and 14 other environmental organizations for the record.

Mr. BISHOP. Without objection.

[The communication from NPCA, Greater Yellowstone Coalition and 14 environmental organizations follows:]

LETTERS SUBMITTED FOR THE RECORD BY REPRESENTATIVE GRIJALVA

NATIONAL PARKS CONSERVATION ASSOCIATION (NPCA),
WASHINGTON, DC,
NOVEMBER 20, 2013.

Hon. RAÚL GRIJALVA, *Ranking Member,*
House Subcommittee on Public Lands and Environmental Regulation,
Washington, DC 20515.

Re: NPCA's Positions on Legislation at November 21st Hearing

DEAR MEMBERS OF THE HOUSE PUBLIC LANDS AND ENVIRONMENTAL REGULATION SUBCOMMITTEE:

Since 1919, the National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our more than 800,000 members and supporters nationwide, I write to urge you to consider our positions on the following three bills they come before the subcommittee tomorrow, November 21.

H.R. 3294, the State-Run Federal Lands Act and **H.R. 3311**, Providing Access and Retain Continuity (PARC) Act—NPCA **strongly opposes** these bills. The funding and protection of our national parks is a fundamental responsibility of the Federal Government. The generalized failure of Congress, which has the power of the purse, to meet its fundamental responsibilities should not be used as an excuse to attempt a State takeover of national parks or other Federal public lands. It has been 3 years since Congress funded national parks through any measure other than a continuing resolution. What the American people deserve and our national parks need is a functioning Federal budget process, not measures that would undermine

the legacy we leave to our children and grandchildren through strongly protected national parks.

National parks are protected under a suite of bedrock Federal environmental, natural and cultural resource laws, which together provide for the protection of nationally important resources protected by national parks. The National Park Service is the appropriate governmental entity to protect our parks and to provide for the safety and enjoyment of park visitors. National Park Service personnel, not State officials, are charged with implementing the laws and policies that govern national parks. The idea that state park officials, however well meaning or talented, could readily step into the shoes of the National Park Service and do the job that is legally required is simply incorrect, and would constitute an abdication of responsibility by the Interior Department and the Congress of the United States.

Instead of proposing legislation to pave the way for another Federal shutdown or a State take-over of our national parks, Congress should be working to avoid future shutdowns. Using the threat of another Federal shutdown as an excuse to promote a State takeover of national parks is cynical at best, and does nothing to address the genuine threats to our national parks from underfunding and other issues. These bills propose nothing to address the long-term problems facing our national parks; a meaningful proposal would actually provide national parks with the funds they need to be fully open. We need real solutions that will help our parks, visitors, and businesses who depend on them, not damaging solutions that do nothing to stop the slow-moving shutdown that is already occurring throughout our national parks as a result of budget cuts.

H.R. 3492, the River Paddling Protection Act—NPCA **strongly opposes** this legislation that would undermine existing laws and regulations which for many years have served to protect the values of river sections in Yellowstone and Grand Teton National Parks. Grand Teton and Yellowstone National Parks (NPS) and the National Elk Refuge (NER) have been managed under long-standing regulations that prohibit boating on limited undesignated and designated wild and scenic river segments. The draft Snake River Headwaters—Wild and Scenic Planning Project already proposes to provide paddling access to over 300 miles of river or 86 percent of all rivers under analysis of this plan. NPS and NER have determined that keeping a paddling closure on the remaining 14 percent is not only consistent with current law and policy but also will provide for appropriate protections for sensitive park and refuge wildlife, including grizzly bears, and appropriate range of non-boating recreational experiences. This legislation would open all of the park and refuge rivers to “hand-propelled” recreational boating, without considering the recreational and natural values for visitors who seek solitude and wild nature along the rivers in Yellowstone and Grand Teton.

Thank you for considering our views.

Sincerely,

CRAIG D. OBEY,
Senior Vice President, Government Affairs.

GREATER YELLOWSTONE COALITION,
BOZEMAN, MONTANA,
NOVEMBER 20, 2013.

Hon. RAÚL GRIJALVA, *Ranking Member,*
House Subcommittee on Public Lands and Environmental Regulation
Washington, DC 20515.

Re: H.R. 3492—The River Paddling Protection Act

For 30 years, the Greater Yellowstone Coalition (GYC) has worked, with communities, landowners, recreationists and others around Yellowstone and Grand Teton National Parks, to conserve the world renowned land, water and wildlife resources found in this region. GYC strongly opposes this legislation. H.R. 3492 strips away the discretion of the National Park Service and sets a perilous precedent for legislating uses into some of our Nation’s most cherished natural areas without a public process or adequate environmental analysis. This legislation would undercut existing laws and regulations which for years have protected the many values of rivers in Yellowstone and Grand Teton National Parks. Grand Teton and Yellowstone National Parks have been managed under long-standing regulations that allow boating

in many areas. The draft Snake River Comprehensive River Management Plan already proposes to provide paddling access to over 300 miles of river or 86 percent of all rivers under analysis of this plan. The National Park Service and National Elk Refuge have determined that maintaining a paddling closure on the remaining 14 percent is not only consistent with current law and policy, but also will provide for appropriate protections for sensitive park and refuge wildlife and a range of non-boating recreational experiences.

This legislation is not the right mechanism to address recreational use in our national parks. It is a blunt approach that fails to consider the recreational and natural values provided by waters in some of the world's most popular and pristine places—Yellowstone and Grand Teton National Parks, and the National Elk Refuge.

Sincerely,

CAROLINE BYRD,
Executive Director.

NOVEMBER 20, 2013.

Hon. ROB BISHOP, *Chairman*,
Hon. RAÚL GRIJALVA, *Ranking Member*,
House Subcommittee on Public Lands and Environmental Regulation
Washington, DC 20515.

Re: November 21, 2013 Subcommittee Hearing

DEAR CHAIRMAN BISHOP AND RANKING MEMBER GRIJALVA:

We the undersigned organizations, on behalf of our millions of members, are writing to you to express our opposition to three bills being considered this week by the House Natural Resources Committee: H.R. 3286, H.R. 3294 and H.R. 3311. These bills would allow States to demand management authority over our public lands (including but not limited to National Parks, National Forests, National Conservation Lands and National Wildlife Refuges), pave the way for future shutdowns, and undermine Federal environmental protections and land management laws.

If anything is to be learned from the unnecessary and damaging government shutdown it is that Americans love their national parks and public lands. Just this week a new report from the Center for American Progress (CAP) showed that 75 percent of voters oppose any additional budget cuts to our public lands. Allowing State management of our Federal lands is not the answer to management or budget shortfalls and these bills do nothing to address the long-term problems facing our public lands.

Instead of working to prevent a future government shutdown and to provide more resources to our drastically underfunded public lands, the committee is considering a slate of bills that would pave the way for more shutdowns and State takeovers of public lands. H.R. 3294 essentially requires Federal land managers to hand over control of national parks, forests, wildlife refuges and other lands to States upon demand. Once in State control, Federal environmental and land management laws could be superseded by State laws, and revenues generated by resource extraction on public lands that would normally be used to benefit all Americans would be transferred to the State. H.R. 3311 and H.R. 3286 pave the way for future government shutdowns, rather than ensuring they do not happen again, and would open the door to additional costly litigation aimed at the Federal Government by waving the Federal Government's sovereign immunity.

The unnecessary government shutdown was just the latest blow to the agencies that manage our national parks, forests, conservation lands and wildlife refuges, all of which have faced significant budget reductions for years, putting Federal spending on conservation and the environment at the lowest point in decades.

Rather than addressing the real budgetary and management issues facing our public lands these bills seek to address a symptom and not a cause, shifting responsibility to the States instead of addressing Congress' obligation to keep the government open and adequately fund our public lands. In sum, H.R. 3286, H.R. 3294 and H.R. 3311 are irresponsible and ineffective approaches to the management of our public lands, undermining Federal environmental law, paving the way for future shutdowns, opening the door to increased litigation and failing to address the true problems facing our public lands.

We strongly urge you to oppose H.R. 3286, H.R. 3294 and H.R. 3311.

Sincerely,

CENTER FOR BIOLOGICAL DIVERSITY
CROW CANYON ARCHAEOLOGICAL CENTER
DEFENDERS OF WILDLIFE
ENDANGERED SPECIES COALITION
EPIC—ENVIRONMENTAL PROTECTION INFORMATION CENTER
FRIENDS OF THE MISSOURI BREAKS MONUMENT
FRIENDS OF IRONWOOD FOREST
GRAND STAIRCASE ESCALANTE PARTNERS
HIGH COUNTRY CITIZENS' ALLIANCE
KLAMATH FOREST ALLIANCE
OREGON NATURAL DESERT ASSOCIATION
SIERRA CLUB
THE LANDS COUNCIL
THE WILDERNESS SOCIETY

Mr. YOUNG. I can tell you what they say already. Why put them in the record?

Mr. GRIJALVA. I am going to read them right now.

[Laughter.]

Mr. GRIJALVA. Mr. Nelson, let me just follow because you used some very interesting examples. If the Federal Government, based on the legislation that my colleague Mr. Young has, retains title but management authority is given to the States—

Dr. NELSON. Or some other groups.

Mr. GRIJALVA. Yes, I was going there. Or even a non-governmental organization, I think you used the chartered school example as a governance example.

Dr. NELSON. Well, yes.

Mr. GRIJALVA. Who would be liable? OK. Let us talk about liability. Who would have liability for the activity of the land?

Dr. NELSON. Well, think about the charter school model again, which is—

Mr. GRIJALVA. So that would be retained by this governance group then?

Dr. NELSON. So it is actually. It is not literally a non-governmental organization, although it functions a lot like one, but anyway, it operates under certain rules and guidelines and so forth. So this would not mean the Federal Government would disappear.

Mr. GRIJALVA. OK.

Dr. NELSON. The Federal Government would set the context and set certain broad guidelines and maybe then review the operations on an annual basis.

Mr. GRIJALVA. Accepting that there is no non-disappearance entirely of the Federal role, who pays the bills?

Dr. NELSON. That would be part of the whole discussion.

Mr. GRIJALVA. OK.

Dr. NELSON. I mean, you would have to look at the specific situation.

Mr. GRIJALVA. And compliance with Federal laws would fall where?

Dr. NELSON. That would also have to be part of the discussion. I mean, part of the reason why the system does not work now, as I said, is—

Mr. GRIJALVA. So a step——

Dr. NELSON [continuing]. It is again——

Mr. GRIJALVA [continuing]. I call them bedrock laws. Other people have other descriptions for them, but you know, things like NEPA, Endangered Species, Clean Water Act, Historic Preservation, Native American Grave Protection.

Dr. NELSON. I would leave all of those applying.

Mr. GRIJALVA. OK.

Dr. NELSON. The ones that I would look at are the Civil Service hiring procedures, which I think frustrate good governance; the contracting procedures, if you happen to notice Obamacare. I would also look at and basically get rid of the land use planning requirements and the EIS requirements which are just invitations for litigation that turn the management of these lands over to some other parties to exercise their management role through the courts.

Mr. GRIJALVA. Thank you.

Let me ask Mr.——

Mr. PRUZAN. Pruzan.

Mr. GRIJALVA. Pruzan, and excuse me. You know, I have a lot of vowels.

Mr. PRUZAN. That is all right.

Mr. GRIJALVA. And I get irritated when people mispronounce it. My apologies.

As I understand it, on the management plan that you were talking about, the draft Snake River Comprehensive River Management Plan that I think the sponsor of the legislation referenced, that draft has proposals to provide paddling on 300 miles of river, 86 percent of all rivers, which leaves 14 percent where the ban is going to be in place.

So as I understand the legislation and your position, and I do appreciate you saying that whatever we do with the legislation has to be careful and meticulous because you do not want to set a precedent. I appreciate that comment.

So we are talking here about an absolute 100 percent?

Mr. PRUZAN. You know, paddling has always been allowed on that other 386 miles.

Mr. GRIJALVA. So that 14 percent is what?

Mr. PRUZAN. This goes a little broader than just the Wild and Scenic. The Wild and Scenic was another opportunity to look at those sections in Grand Teton and Yellowstone that have been closed. This bill goes a little broader in that, you know, Yellowstone itself, Yellowstone National Park is, you know——

Mr. GRIJALVA. OK. But so in that 14 percent there is your estimate, and being a recreationalist there and a paddler there, there is no area that either wildlife habitat, other reasons that that should be protected and set aside from paddling activities?

Mr. PRUZAN. Yes. I mean, some of these are roadside areas. No, I do not think there is. People hike into these areas. I feel like any of those 14 percent in particular are acceptable for paddling.

When we look at Yellowstone as a whole——

Mr. GRIJALVA. So with that kind of management plan——

Mr. PRUZAN. Can I finish please?

Mr. GRIJALVA [continuing]. That is your point of contention, the 14 percent.

Mr. PRUZAN. Well, it goes beyond that because it also looks at Yellowstone. We do not feel that every river in Yellowstone should be open all the time. That is not what we are saying at all, and it says that in my testimony. But we feel there are many stretches that could be opened and managed successfully, and there are many great templates for that.

And we do not feel there has been opportunity to even look at that. The Wild and Scenic was just an opportunity to look at a portion of those, and it was denied, which was, you know, unfortunate because Yellowstone itself, it has some of the most outstanding river running opportunities in the world.

Mr. GRIJALVA. Yes, but I remain——

Mr. PRUZAN. Of that portion——

Mr. GRIJALVA. I am just looking at percentages.

Mr. PRUZAN. Of that 14 percent, absolutely, all that section could be opened to paddling with very, very——

Mr. GRIJALVA. No mitigating information or——

Mr. PRUZAN. Well, no. I think you would have to look at them individually. We want to give that authority to the Superintendent, but as I know those sections, you know, I do not see any harm and I do not see anyone really standing up saying——

Mr. GRIJALVA. And giving the authority to the Superintendent in this particular issue and this legislation, you are very confident that he would open up the 14 percent?

Mr. PRUZAN. I cannot speak for the Superintendent because right now, you know, that is in flux, but given the opportunity to allow the discussion and look at the actual impacts, then we could open the door to opening these. Right now, you know, the opening is not there.

Mr. GRIJALVA. Thank you.

Mr. PRUZAN. Thank you.

Mr. BISHOP. Mrs. Lummis.

Mrs. LUMMIS. Thank you.

And, Mr. Grijalva, thank you for that dialog because it gets to the heart of what we are trying to accomplish with this bill.

The intent is not to open all rivers all the time to paddling in the parks. The intent of the bill is to remove a prohibition so paddlers can sit down with the Superintendents of the parks and discuss where paddling makes sense, when it makes sense and when it does not make sense.

I recognize that the bill was drafted so that the Superintendent could still say no more paddling ever in these places, but at least there would be a public process where kayakers and other paddlers could come in and make their case.

Mr. Pruzan, I would like to ask you to explain how other rivers are managed, how their management plans do provide for limits on paddling.

Mr. PRUZAN. Yes, thank you.

You know, of all the rivers that people run all around the country, there are less than 30 that I can think of that actually have a permit system, and many rivers very close like the Clarks Fork and the Yellowstone, for instance, which is just adjacent to the park, it is totally open to river running at all times. People can use it when they want, and there are really no issues. It is a wild and

scenic river. It flows through an incredible wilderness area, and there have been almost immeasurable impacts to the resource by the paddling that has been done there.

But there are many great templates, you know, particularly in the State of Idaho, rivers like the Middle Fork of the Salmon, the Selway, in Arizona, of course, the Grand Canyon, where there is very tight river management. You have to draw a permit. There is a lottery system every year.

The Selway, for instance, as I mentioned, one launch a day during the season. That is all you get, and the paddling community, the river running community, they understand that very well, and they feel that is, you know, a fair resolution.

But as you mentioned, we have never even been able to have that discussion. I mean if there are wildlife concerns, there are other avenues and other tools that could be used, such as a season. You know, maybe some of these rivers are open in April and May, and then when the park gets very busy they are closed and they open again in late August and September, but again, we have never ever been able to have that discussion.

And it was very different from the Forest Service approach to creating the management plan for the forest sections of the river, which was a very open process, lots of public meetings, lots of opportunity to comment, as opposed to the Park Service process which did not really give a lot of opportunity for the community to be involved.

And I will say that for the most part in the greater Yellowstone area, there is great collaboration between the local community and the parks and the forest, and that is something that our area is known for, and there have been great partnerships that have been created about that, that just result in better management.

Mrs. LUMMIS. Well, it has been a head-scratcher to me that we do allow controlled, managed, planned access for snowmobiles in the winter into Yellowstone, and yet during times of year when kayakers would like to use certain waters in the park, they cannot, and it is simply because of a regulation.

So let us lift the regulation and give the park managers the tools that they need to actually have a dialog with the paddlers and find a way to put together a management plan that would allow for appropriate and limited use of these waters for another recreational outdoor opportunity that is very minimum impact.

Let me also mention that the reason we put some language in here about the Elk Refuge is there are some waters that border both the Elk Refuge and Grand Teton National Park. The river is actually a border, and so we included some language for both so we can allow for a rational way to allow Grand Teton's Superintendent and the Elk Refuge to have some discretionary management authority to manage there.

And my time is up. I want to really thank Mr. Pruzan for coming to Washington to testify on behalf of this bill.

Thank you, Mr. Chairman.

Mr. BISHOP. Thank you.

Allow me to ask some questions, if I could. Mr. Pruzan, let me start with you again here. Thank you once again for being here.

I guess it comes down to the bottom line which is: is the old paddling prohibition still relevant to managing fish stock?

Mr. PRUZAN. Well, I do not think it was a provision that really even envisioned paddling. No, it is not relevant anymore. It was relevant to float fishing.

I would say, you know, kayakers, we mostly throw ourselves in the water. We do not really throw lures or fishing lines in the water. So, no, I do not see it is relevant at all.

Mr. BISHOP. So allowing paddling certainly would not underlie the values for which this river was established or is used?

Mr. PRUZAN. No, absolutely not.

Mr. BISHOP. Well, do you see any potential pitfalls in changing the regulations to allow this activity?

Mr. PRUZAN. Well, again, by ending the ban, I think we can look at individual sections of river and we can recognize, well, what is appropriate and what is not appropriate. You know, I am sure there are—I have never heard any of my colleagues in the conservation world say, “I am against paddling in Yellowstone,” and especially with this bill they are more concerned about the process. So I do not—

Mr. BISHOP. So really what you are talking to me about is people simply will not talk to you all and they hide behind a regulation passed a half century ago that may or may not and probably is not still relevant to the issue for which it was established.

Mr. PRUZAN. That is correct.

Mr. BISHOP. We are tradition bound and we hide behind that, and we refuse to think outside the box, which is what all of you have been talking about so far.

All recreation, not just kayaking and paddling recreation, but all recreation in the United States seems to be under attack by different kinds of groups. I do not care whether it is hunting or fishing or water recreation, bicycling, motor vehicles. We find as soon as there is something that is established, there are groups then that go after that.

And establishing protection for these activities ought to be one of the goals that we look at, and one of the goals that I hope this committee takes a greater emphasis in dealing with to make sure that those things are protected so that if you have an assumption something is there and somebody has this wild idea because he or she happens to be a land manager and we are going to close it down, they had better find an alternative way to guarantee that activity has some place to go forward.

I am sure you know nothing about this, but would there be any illegal kayaking that goes on on these rivers, people gone in places where they are not supposed to be?

Mr. PRUZAN. It has probably happened. I mean, when you think about—well, it definitely has happened.

Mr. BISHOP. You know, there may be a felony here. I do not want you to insinuate yourself—

Mr. PRUZAN. No, I just need to say something about the section that Representative Lummis mentioned, which is the Grovont River, which forms the border primarily between the Elk Refuge and Grand Teton National Park, and it flows through a little triangle of water.

That was a section that people regularly floated around the Jackson Hole community. It is a pretty easy section. It goes right into the Town of Kelly, and for a long time nobody really was concerned about it, and then all of a sudden it was probably early 1990s, mid-1990s, there was enforcement, and a lot of people did not even realize it was illegal. So that is just one example.

Mr. BISHOP. And you did not destroy the fish habitat when you did that.

Mr. PRUZAN. No.

Mr. BISHOP. We have had many hearings over the course of this year in which we are talking about decisions that are made that are arbitrary, that are not really conducive to helping people out. We seem to have lost the concept, and unfortunately, the Park Service has their fair share of that.

Mr. Sheaffer, the Interior Department did not write testimony on this particular bill. I wondered if you wanted to say anything about it, if you want to step into that quagmire with the other stuff.

Mr. SHEAFFER. I would certainly not, but I will say what I can. We had a very brief time to look at this bill and did not get a chance to vet it; talked briefly to the Superintendent of Yellowstone who coincidentally was in town, as I believe you may have as well.

So I do not think we were in a position to comment at this point.

Mr. BISHOP. We will be looking forward to comments if you wish to add those in the future with the same literary zest as the other comments that we have had here.

I am running out of time, but I do have a few more questions for Mr. Nelson. Do you have other questions, Mrs. Lummis?

Mrs. LUMMIS. I do not have a question, but I would comment. I did meet with the Superintendent of Yellowstone, and we are open to suggestions about how the language could be drafted in a way that makes that Park Service comfortable. Our intent is just to give them the authority to make these decisions pursuant to a plan, and that hiding behind a regulation that actually bans it is contrary to the current intent of Congress certainly if this bill passes.

Thank you.

Mr. BISHOP. Be careful. You guys are sounding too rational. You are sounding too green for me. You had better be careful on what you are saying here.

Do you have other questions though before I finish up?

Mr. GRIJALVA. No. I am just intrigued by the example that my colleague, Mrs. Lummis, used about snowmobiles and paddling. And as I mentioned to the Chairman while this was going on, that any day I will trade some paddling for a reduction in the snowmobiles in Yellowstone. I think that would not be a bad idea.

But having said that, I think that, Mr. Sheaffer, I have questions. They will be in writing, and I appreciate your being here, and thank you.

Mr. BISHOP. I want to, if I could, just ask Mr. Nelson a couple of last things.

In your written testimony, you make reference to the fact that there are six million acres in the Adirondack Park in New York; that New Jersey has 16 percent, Florida 14 percent, Pennsylvania

13 percent of their land already under State control and some kind of State——

Dr. NELSON. Well, it has been that way for a long time.

Mr. BISHOP. And yet you notice in here——

Dr. NELSON. It goes back in history that most of these State lands, you know, have been that way for just——

Mr. BISHOP. Well, I just want you to comment on the next sentence that you wrote. "It is ironic that Eastern States have often been reluctant to extend a similar prerogative to develop their own internal State land management strategies to Western States."

Would you just like to comment on that?

Dr. NELSON. Well, it is an amazing thing that the percentage of State land ownership in New York State is about 35 percent, and it is actually greater than Alaska, and Adirondack Park is the most important part of that, which is six million acres, which is three times as big as Yellowstone, but it is an innovative or it is a different kind of management structure.

A little more than half of the land is private, but it is subject to control by the Adirondack Park Commission. So there is a regulatory apparatus, and then the other half or a little less than half is actually State of New York land.

And interestingly enough, in 1894, when Adirondack Park was set up, the State of New York designated that the State-owned lands in New York should be maintained in a forever wild status. So I just offer that as an example of how a State, when it has its own lands, in fact, it was anticipating by about 40 years the wilderness ideal. So New York State has, in effect, been maintaining about three million acres, which again is bigger than Yellowstone in a wilderness status since 1894.

Mr. BISHOP. In 1894 I think there were only two national parks we had, Yellowstone and Yosemite and Mackinaw had been given back to Michigan by that point. So this predates a lot of those particular efforts.

Obviously, the Young language has apparently touched a nerve at Interior. What does the Federal Government have to lose by allowing States a greater place in the management of the lands between their borders?

Just estimate why do you think? Of what are they afraid?

Dr. NELSON. Well, I think, I mean, a lot depends on how it is done, and frankly, I think that Representative Young would agree that this is really just the outline of a proposal, and that it would be a tremendous number of details that would have to be, or not tremendous, but quite a few details. A lot of things would have to be looked at and worked out to even come close to operationalizing this idea that he is putting on the table.

But the question is why would the Interior Department resist it? I mean, what you are talking about is maintaining Federal lands, but you would be cutting down in a rather dramatic fashion the bureaucratic apparatus of the Bureau of Land Management.

And the same would apply to the Forest Service. If you were to do it, you know, the Forest Service has 35,000 employees. If you actually implemented the Young legislation, you might be looking at 5,000 employees, and obviously that is going to, you know, provoke some pretty strong reaction.

Mr. BISHOP. I appreciate that, and that is one of the reasons why I prefaced our meeting today by simply saying the idea of large centralized, bureaucratic institutions making decisions has been discredited and ought to be, but apparently we do not do that in Washington often enough.

I think you mentioned a 2005 work that said what to do when an agency outlasts its time, and I think what you are talking about is looking at new ways of thinking about that.

Mr. Sheaffer, I will end with this last diatribe if I could. Once again, I do appreciate what you are doing as Comptroller. I have no qualms that you are doing a very good job at what you are doing, although I want you to find those two million bucks that you got extra and they had better go back to the States at some time.

But the testimony the Department sent you up here to defend and suffer the slings and arrows that go along with it on this bill and the Young bill especially said the same thing. They basically said States could not possibly manage these lands. They were incompetent to do it. The Federal Government knows better.

There are three conventional wisdom concepts that I would like you to take back to your agency. The first one is only people in Washington have the grand view of what is necessary and important for the United States.

Number two is only people in Washington should be recognized whenever there is a conflict between Washington and local government.

And the third conventional wisdom is that the West needs to be protected from itself.

All three of those principles and standards are crap. They should not be used, but unfortunately, many of the decisions that are being made not only by agencies in Washington, but some of the managers on the ground seem to be based on those same three principles, and those principles were, once again, reinforced in the testimony that the Interior Department sent up here.

It is mind boggling to me why the Interior Department seems to insist that they know better, and they have this apprehension of ever having any kind of partnership with Interior projects, especially when they keep crying poverty at all times. If, for example, in Alaska you have one employee for every 54,000 acres of property in Alaska and still have a backlog that is over \$120,000, you are obviously extremely efficient managers or you are simply an absentee landlord.

And that is part of the problem. That is why I object to the testimony which they saddled you and brought you up here to defend and present to us. The verbiage had a message that is simply wrong, and we need to start thinking about new ways of handling our lands and new ways of making decisions because old and large is not effective. Young, lean, and different is what will be effective, and I hope this committee has the opportunity to keep spreading that message as time goes on.

Unless there is something else, Mr. Grijalva?

I want you to know I appreciate you taking the time to come here. I hope at different times we can invite you to come back again, Mr. Sheaffer. I do not know if you ever want to come back again, but you are certainly welcome to come back here again.

Mr. Pruzan, I appreciate the input. I appreciate you coming from Wyoming and alerting us to a situation where once again individuals are harmed where they ought not to be, and this does not make any sense at all. We need to resolve these types of things.

Mr. Nelson, we hope to invite you back here again. We appreciate your testimony and appreciate your patience.

I also want to officially apologize once again for having to make you wait here for over an hour. It was what is like an hour and 15 minutes when I originally said we might be able to be back here as short as 45, and just remind you that is the way things used to run in the old time before a couple of sessions ago when we made some changes to try and alleviate that time.

So I apologize for putting you in that situation. Thank you for your patience.

There once again may be some additional questions, as the Ranking Member suggested for Mr. Sheaffer, that will be submitted in written form. We would ask you to please submit a written response back in a timely manner.

And if there is no further business, without objection we stand adjourned.

[Whereupon, at 1:39 p.m., the subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

PREPARED STATEMENT OF THE U.S. DEPARTMENT OF THE INTERIOR

CONCERNING H.R. 3492, TO PROVIDE FOR THE USE OF HAND-PROPELLED VESSELS IN YELLOWSTONE NATIONAL PARK, GRAND TETON NATIONAL PARK, AND THE NATIONAL ELK REFUGE, AND FOR OTHER PURPOSES

Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide the views of the Department of the Interior on H.R. 3492, a bill to provide for the use of hand-propelled vessels in Yellowstone National Park, Grand Teton National Park, and the National Elk Refuge.

Although the Department supports expanding outdoor recreation opportunities, we strongly oppose H.R. 3492 as introduced. By overriding existing regulations and regulatory authority over hand-propelled boating, this legislation would set a troubling precedent by disrupting the carefully balanced management of recreational activities and resource protection that the National Park Service (NPS) provides at Yellowstone and Grand Teton National Parks and that the U.S. Fish and Wildlife Service (FWS) provides at the National Elk Refuge. It would diminish the ability of Federal managers to meet their responsibilities under the NPS Organic Act, the National Wildlife Refuge Administration Act, and other laws to provide for public enjoyment, ensure visitor safety, and address adverse effects to resources at those three units.

H.R. 3492 would nullify regulations that prohibit boating on rivers and streams in Yellowstone National Park and Grand Teton National Park with regard to hand-propelled vessels and prohibit the promulgation of similar regulations. It would specify that the use of hand-propelled vessels on rivers and streams in the National Elk Refuge is a wildlife-dependent recreational use, changing the statutory definition of that term for a single national wildlife refuge. Proponents of H.R. 3492 contend that it would restore management authority over paddling to park and refuge managers but, in fact, it would deny managers the authority to exercise their professional judgment and management discretion regarding the use of hand-propelled vessels throughout the parks. H.R. 3492 would also circumvent the not-yet-completed public process to finalize the Snake River Headwaters Comprehensive River Management Plan.

Yellowstone and Grand Teton National Parks

In Yellowstone and Grand Teton National Parks, all waters are open to hand-propelled vessels unless they have been closed to that activity by special regulations in Title 36 of the Code of Federal Regulations (36 CFR).

In Grand Teton National Park, special regulations in 36 CFR Section 7.22 have allowed abundant opportunities for paddling or floating on almost all the waters except for those in the remote, mountainous high country. Many thousands of visitors enjoy kayaking, canoeing, floating, and paddle boarding on the many lakes, including Jackson, Jenny, Phelps, Emma Matilda, Two Ocean, Taggart, Bradley, Bearpaw, Leigh and String Lakes. And, the iconic 26-mile stretch of the Snake River along the Teton Range through the park, considered one of our Nation's premier float trips, attracts over 60,000 paddlers each year to the park. Only a 1,000-foot stretch section of the river, immediately downstream of the Jackson Lake Dam, is closed due to public safety and Homeland Security concerns.

Many paddling opportunities also exist in Yellowstone National Park. Of the 168 lakes within the park, only five are closed to boating, which provides ample opportunities for paddling, while also providing at least some opportunity to experience lakes in a pristine natural state. Over 1,300 paddlers recreate annually on the Lewis River Channel between Shoshone and Lewis lakes. The park issues an average of over 2,000 permits per year for non-motorized boating vessels.

Since 1971, special regulations in 36 CFR Section 7.13 have closed certain waters in Yellowstone National Park to vessels, including Sylvan Lake, Eleanor Lake, Twin Lakes, and Beach Springs Lagoon and on all park rivers and streams, except on the channel between Lewis Lake and Shoshone Lake, which is open only to hand-propelled vessels.

While our regulations do close some waters to boating, they provide a balanced approach that includes opportunities for a wide variety of recreation, including the use of hand-propelled vessels.

The National Park Service Organic Act requires the NPS to provide for the enjoyment of park resources and values. This includes both opportunities for recreational activities and to experience the parks in their natural state. For over 40 years, the balanced approach provided by these regulations has successfully allowed for a variety of uses, including paddling, while also protecting the ability of park visitors to experience the solitude and wildness of pristine rivers in their natural state, without the visual intrusion of vehicles or watercraft. Millions of visitors come every year to Yellowstone to experience the natural wonders of the park. People from all corners of the planet are able to view the iconic Grand Canyon of the Yellowstone, paddle on Shoshone Lake, watch wolves in the foggy mornings along the banks of the winding Lamar River and experience the roar of the Yellowstone River as it travels through the Black Canyon.

The National Park Service Organic Act also requires the NPS to make and publish such rules and regulations necessary or proper for the use and management of the parks so that they remain unimpaired for future generations. H.R. 3492 would fundamentally alter this authority by preventing the NPS from promulgating new regulations to prevent potential future impacts associated with boating in Yellowstone and Grand Teton National Parks.

Many of the areas that would be opened to boating by H.R. 3492 see very little human activity and represent some of the most intact, pristine landscapes anywhere in the contiguous United States. There may be no other scenic resource like this in the United States, and possibly the world, where large intact river systems and their environments are allowed to remain in a wild, ecologically pristine state. The National Park Service has a responsibility to recognize and protect this uniquely Yellowstone experience. H.R. 3492 would not only arbitrarily open all of the waters in both parks to boating, but would prevent the NPS from promulgating any future regulations that might be necessary to ensure the proper management of boating on these waters.

The National Elk Refuge

The primary purpose of the National Elk Refuge, as identified in statute and executive order, is the conservation of wildlife resources. The Gros Ventre River corridor between the National Elk Refuge and Grand Teton National Park is a heavily used ungulate winter range, a spring and fall migration corridor for elk and bison, and vital year-round habitat for moose. Management of this area as wildlife habitat is key to meeting the purpose of the refuge.

H.R. 3492 redefines the term "wildlife dependent," a bedrock term in the National Wildlife Refuge Administration Act, as amended by National Wildlife Refuge System Improvement Act of 1997 (P.L. 105-57, "Improvement Act"), as it is applied to the National Elk Refuge. A key component of the act is that individual national wildlife refuges across the country (currently numbering 561) be managed as a coherent "system." Enactment of H.R. 3492 would undermine this basic tenet by micromanaging activities at a single national wildlife refuge through Federal statute.

Conclusion

This precedent-setting bill as introduced would prohibit land managers from meeting their statutory responsibilities to properly regulate the use of Federal lands. The Department believes strongly that the existing authority granted by Congress to the NPS and FWS through the Organic Act and National Wildlife Refuge System Administration Act is critical to the proper management of these lands for all Americans.

Mr. Chairman, thank you for the opportunity to present the views of the Department on this legislation.

[LIST OF DOCUMENTS SUBMITTED FOR THE RECORD RETAINED IN THE
COMMITTEE'S OFFICIAL FILES]

- “Free the American West—Get the federal government off public lands that are of no importance”, latimes.com Op-Ed, March 7, 2012, by Robert H. Nelson.
- “Our Languishing Public Lands”, Policy Review, February & March 2012, No. 171, by Robert H. Nelson.

